

***[Original Delegation Agreement, as amended by Amendment #1 -
combined for purposes of website access only]***

DELEGATION AGREEMENT

Between

Arizona Department of Environmental Quality

and

Pima County Department of Environmental Quality

Delegation Agreement #00-0023

[The delegation agreement between the Arizona Department of Environmental Quality and the Pima County Department of Environmental Quality, #00-0023, was amended by replacing the original text of the Preamble, Sections A through P, and Appendix A with the following:]

Whereas A.R.S. §49-107, authorizes the Director of the Arizona Department of Environmental Quality (ADEQ) to delegate to a local environmental agency, health department or municipality or county board of health established under Title 36, Chapter 1, Article 3, any functions, powers, and duties which the Director believes can be competently, efficiently, and properly performed by the local agency, and

Whereas Pima County Department of Environmental Quality is a local agency (hereinafter referred to as LA) as set forth in A.R.S. §49-107, and

Whereas the LA is required by A.R.S. §49-106 to enforce and observe rules adopted by ADEQ and laws of the State of Arizona pertaining to the preservation of public health and protection of the environment, and

Whereas A.R.S. §11-201(A)(3) and A.R.S. §11-952 authorize the County Board of Supervisors (and by delegation the LA, where LA is a county agency) to enter into contracts as necessary to assist LA in exercising its powers, and

Whereas the LA deems that it is in its best interests to accept such delegation,

Therefore, the Director of ADEQ delegates to the LA, and the LA agrees to accept the delegation of authority to perform those functions and duties described in the Appendices (Appendix A for Wastewater and Drinking Water Delegations, Appendix B for Solid Waste Delegations, Appendix C for Air Quality Delegations, and Appendix D for Hazardous Waste Delegations) of this Agreement on behalf of ADEQ and in accordance with the terms and conditions contained herein.

A. DELEGATED FUNCTIONS, POWERS AND DUTIES

1. The functions, powers and duties that are delegated by this Agreement are identified in Sections A through P, and in Appendices A, B, C and D. All functions, powers and duties not specifically delegated in this Agreement are retained by ADEQ.

B. STANDARDS OF PERFORMANCE

1. The standards of performance required to adequately perform the delegated functions, powers and duties and fulfill the terms of the agreement are the same as those expected of ADEQ personnel. ADEQ policies and guidance should be used in implementing the delegated functions. ADEQ's program specific performance expectations are identified in the Appendices.
2. ADEQ shall provide LA with periodic training. LA personnel will be invited to attend ADEQ internal compliance and enforcement training, which will be offered at least twice during an annual year. ADEQ will provide operating guidance for use in implementing the terms of this Agreement within 90 days after execution of this Agreement. New or updated guidance will be provided to LA within 30 days after the effective date of the guidance. The guidance will, at a minimum, include ADEQ Engineering Bulletins, ADEQ program guidance memoranda, substantive policy statements including rule clarifications, copies of all applicable forms, policies and procedures, and other material that may assist the LA in making decisions necessary to carry out the functions, powers and duties contained in this Agreement. LA should contact ADEQ for clarification or guidance on procedural or technical issues. In the event of any dispute between LA and a third party regarding LA's interpretation or application of ADEQ regulations, bulletins, guidelines, or other published materials, ADEQ shall upon request by LA, provide timely assistance and direction to LA.

C. TYPES OF FEES

1. To the extent permitted by law, ADEQ delegates fee setting authority for delegated programs. Any fees imposed by LA shall be limited to the cost of service, including all direct and indirect costs. Fees are authorized by, and shall conform to the requirements of A.R.S. §11-251.08, A.R.S. §49-112, A.R.S. §36-187 (if LA is a county health agency); A.R.S. §49-104(B)(7), 49-104(B)(13), 49-203(A)(7), 49-361, A.A.C. Title 18, Chapter 14, Article 1 (water quality fees); A.R.S. §49-480 (for air quality fees); A.R.S. §49-765 (for solid waste license fees).
2. All fees collected by LA pursuant to this section shall be retained by the LA in consideration for performing the functions described in this agreement.

D. QUALIFICATIONS OF PERSONNEL OF LOCAL AGENCY RESPONSIBLE FOR EXERCISING THE DELEGATED FUNCTIONS, POWERS AND DUTIES.

1. The required personnel qualifications for exercising the delegated functions, powers and duties are identified in Appendix A for Wastewater and Drinking Water Delegations, Appendix B for Solid Waste Delegations, Appendix C for Air Quality Delegations, and Appendix D for Hazardous Waste Delegations.

E. RECORD KEEPING AND REPORTING REQUIREMENTS

1. LA agrees to prepare and maintain records relating to the performance of the activities specified in this Agreement, for a period of five years, from the date of expiration, termination or cancellation of this Agreement or from the date of complete resolution of any dispute and any applicable appeals unless a longer period is required by statute or rule.
2. LA shall submit reports on the LA's delegated wastewater and drinking water activities to ADEQ in accordance with Appendix A.
3. LA shall on a quarterly basis, report to ADEQ on any solid waste inspections conducted and enforcement actions taken by submitting two copies of each notice of opportunity to correct, notice of violation, administrative order, civil or criminal action initiated under this agreement: one report shall be sent to the ADEQ Central office contact person listed in Appendix B and one to the ADEQ Regional Office, if applicable.
4. LA shall, on a quarterly basis, submit reports on the LA's delegated hazardous waste activities to ADEQ. At a minimum, these reports shall, by each program component delegated, summarize inspections conducted and enforcement actions taken. The

reports shall be submitted to the hazardous waste section inspections and compliance unit manager, as set forth in Appendix D.

F. OVERSIGHT ACTIVITIES

1. Because ADEQ retains ultimate responsibility for LA's activities under this agreement, ADEQ reserves the right to accompany LA personnel on inspections and may review all records relating to the performance of the activities set forth in this Agreement. Where practicable, ADEQ will provide prior notice to LA of its intent to accompany LA employees on inspections. Upon pre-notification and ADEQ approval, LA representatives may accompany ADEQ inspectors on inspections for purposes of training, information sharing or to coordinate LA and ADEQ activities.
2. At least once during the term of this delegation agreement, each ADEQ delegating program shall conduct an evaluation of the delegated responsibilities. More frequent evaluations may be undertaken at the request of either party to this Agreement. The draft results of all program evaluations shall be in writing and shall be communicated to the LA in draft. LA shall be entitled to comment on the draft report. After response to comments, ADEQ shall finalize the report and transmit copies to LA and the ADEQ Government Agreements Officer. The results of all program evaluations are public documents pursuant to A.R.S. §39-121 et seq.
3. If the transfer of funds from ADEQ to the LA occurs under section G.10, ADEQ shall conduct a financial audit of the LA's use of these funds at least once every two years. Audits shall be conducted in accordance with generally accepted accounting principles.

G. DELEGATION OF ENFORCEMENT AUTHORITIES; LOCAL AGENCY OBLIGATIONS

1. In carrying out its duties under this Agreement, LA shall comply with the provisions of A.R.S. §§49-106, §49-112, 36-186.3 (if LA is a county health agency) and observe and enforce the rules of ADEQ and laws of the State of Arizona pertaining to the preservation of public health and protection of the environment, to the extent delegated in this agreement.
2. LA is hereby delegated the enforcement authorities set forth in A.R.S. §§ 44-1307, 44-1324, 49-141-42, 49-261-62, 49-354 A-B, 49-460-63, 49-781-83, 49-791, 49-810-12, 49-922.B, 49-923-24, as applicable to the functions and duties delegated in this agreement. The LA shall be responsible for initiating timely and appropriate enforcement actions against individuals and facilities to resolve violations of statutes and rules delegated in this Agreement. LA agrees to the extent practicable, to make

compliance determinations and conduct enforcement actions in accordance with ADEQ's Compliance and Enforcement Policy or guidance provided by ADEQ. The LA shall use inspection checklists and boilerplate documents provided by ADEQ or which contain the same content as those provided by ADEQ. ADEQ retains its authority to take enforcement action against any individual, facility or violator covered by this Agreement or, at its discretion, to refrain from exercising such authority if enforcement action taken by LA is timely, appropriate and effective. Except in a case involving an imminent health hazard (i.e. an immediate threat to the public health, safety or environment), ADEQ agrees to give LA 30 days written notice of its intent to initiate an enforcement action if LA fails to do so. In cases involving imminent health hazards, ADEQ will notify LA prior to undertaking such an enforcement action.

3. When conducting enforcement actions using the delegated functions, powers and duties, LA shall conduct administrative hearings in accordance with Office of Administrative Hearings, Rules of Procedure, A.A.C. R2-19-101 et seq. and the Arizona Administrative Procedures Act, A.R.S. §41-1001 et seq. LA shall use administrative law judges provided by the Office of Administrative Hearings or where such judges are not available, LA shall use hearing officers approved by the ADEQ Director. If an OAH administrative law judge is used in an administrative hearing, ADEQ will pay for any OAH hearing related costs. LA's County Attorney shall represent LA at all administrative hearings. Where appropriate, and if there is no conflict with applicable environmental laws and rules, LA may conduct enforcement action using the authority provided by A.R.S. Title 36. Nothing herein shall preclude LA from independently initiating enforcement action pursuant to its own authority under A.R.S. 36-602 to 603, 49-143 to 144 or any other civil or criminal statute or local ordinance, or from pursuing any other available legal or equitable remedy.
4. In those cases where the Attorney General has exclusive authority to bring an action to collect civil penalties, ADEQ shall timely notify the Attorney General of LA's intent to initiate enforcement and such enforcement shall be coordinated among LA, ADEQ, the Attorney General and LA's County Attorney.
5. In all other cases of civil enforcement, the LA and ADEQ shall coordinate litigation and settlements. LA and ADEQ shall act as co-plaintiffs when possible to maximize resources.
6. In cases where LA and ADEQ are co-plaintiffs, civil penalties collected pursuant to A.R.S. §49-201 et seq., A.R.S. §49-351 et seq., A.R.S. §49-421 et seq., and A.R.S. §49-901 et seq. shall be deposited in the State General Fund. In all other cases where LA and ADEQ are co-plaintiffs, all civil penalties collected shall be divided equally unless other mutually agreeable arrangements are made prior to the commencement of the action.

7. In cases brought pursuant to A.R.S. §49-201 et seq., A.R.S. §49-351 et seq., A.R.S. §49-421 et seq., and A.R.S. §49-901 et seq., the LA shall forward all penalties it collects to ADEQ. ADEQ shall transmit these penalties to the State Treasurer for deposit in the State General Fund. In all other cases in which the LA has received ADEQ's authority to commence an action or has independent enforcement authority, LA may retain all penalties it collects.
8. ADEQ may periodically develop and implement compliance initiatives directed at certain classes of violations or facilities that are in violation of applicable rules. ADEQ will provide LA with at least 30 days written notice of a compliance initiative. LA agrees that, when such initiatives involve facilities that have been delegated, it will, to the best of its ability, assure the successful implementation of such strategies as they relate to such facilities. With 30 days notice to the LA, ADEQ may implement such strategies directly for delegated facilities whenever it determines that the LA is unable or unwilling to implement them in a timely manner.
9. The provisions of A.R.S. § 41-1009 are not applicable to inspections conducted by the LA pursuant to this agreement.
10. ADEQ may transfer funds to LA to carry out the purposes of this Agreement.

H. DELEGATION OF SOLID WASTE STATUTES

1. LA is delegated the functions, powers, and duties for the following solid waste inspection statute for which rules are not currently in effect: A.R.S. §49-763.

I. LICENSING TIME FRAMES

1. The LA agrees to comply with the time frames set forth in A.A.C. R18-1-525 when issuing licenses pursuant to functions and duties delegated under this Agreement. The LA shall base its licensing decision only on those program elements listed in the Arizona Revised Statutes or in the Arizona Administrative Code. The LA will provide a monthly report to ADEQ indicating the number of permits or licenses issued that month, by general type of permit, and the number of permits that exceed the licensing time frame for the licensing decision. ADEQ shall make these reports available to the public at its main office. If the LA fails to meet a licensing time frame, the monthly report shall indicate the reason(s) why the time frame was missed and the corrective action the LA has applied. If the LA does not meet the licensing time frames set forth in A.A.C. R-18-1-525 for three consecutive months, ADEQ will meet with the LA to determine the reasons why the LA cannot meet the licensing time frames. If the LA continues to not meet the licensing time frames for six consecutive months, ADEQ shall rescind delegation of those programs the LA cannot perform.

2. The LA shall submit the monthly reports on licensing time frames to whomever at ADEQ is designated to receive reports for the specific functions and duties described elsewhere in this delegation agreement.

J. APPEALS OF FINAL DECISIONS CONCERNING TYPE 4 GENERAL AQUIFER PROTECTION PERMIT LICENSES FOR ON-SITE WASTEWATER TREATMENT FACILITIES ISSUED BY THE DELEGATED AGENCY

1. The LA shall ensure that either an administrative appeal ordinance or a board of supervisors appeal policy is adopted and implemented for all LA final decisions concerning septic tank systems and alternative on-site disposal system licenses issued by the LA. At a minimum, the appeals process shall include notification to each applicant for a license or permit that an appeals process exists; that the applicant may file an appeal within 30 days of notification of an adverse decision; that within 10 business days after the LA receives the request for an appeal, the LA will appoint either an administrative law judge, a hearing officer or a designated body to hear the appeal; that once appointed, the person or designated body hearing the appeal shall schedule the appeal within 10 business days, and the appeal shall be heard not later than 30 days after the receipt of the request for an appeal. The appellant shall be given at least 10 business days notice of the time when the appeal will be heard, unless the appellant agrees to a shorter time period. If the person or body designated to hear the appeal grants or denies the relief requested, either the appellant or the LA may file, within 30 days after the decision, a complaint in superior court. The LA shall annually provide ADEQ a report of appeals filed and their final resolution. The LA shall adopt an appeals process within 30 days of the effective date of this agreement.

K. DELEGATION TO OTHER LOCAL AGENCIES AND SUBDELEGATION

1. Where a municipality is the LA for delegated programs within its municipal boundaries, it has exclusive authority to conduct such delegated program activities within its boundaries. ADEQ's delegation to a municipality shall in no way infringe upon, reduce or usurp a county's right, authority and responsibility to carry on its own independent activities and programs. ADEQ will supply a delegated county health or environmental agency with a copy of any delegation agreement that it executes with a municipality located within that county. In counties that have their own health and environmental codes which cover matters delegated to a municipality by ADEQ, it is agreed that such municipal delegation will be executed jointly by ADEQ and the delegated county health or environmental agency.
2. LA may only subdelegate the functions powers and duties delegated pursuant to this Agreement to another local government agency or political subdivision with the prior written approval of ADEQ. Written approval may be provided by the Director, Deputy Director or appropriate Division Director.

L. CONFLICT RESOLUTION PROCEDURES

1. Should a conflict arise between the parties to this Agreement, resolution shall be through arbitration by a mutually acceptable third party. Each party shall bear its own arbitration fees, attorney's fees and costs. The decision of the arbitrator is final and binding upon the parties.

M. AMENDMENT PROCEDURES

1. Either party at any time may initiate an amendment to this Agreement. An amendment shall be in writing, shall be executed by the Director of ADEQ, the Director of the LA, the Chairman of the LA's Board of Supervisors, the Clerk of the Board of Supervisors and shall be approved as to form by the Attorney General and the LA's County Attorney. Amendments shall be filed with the Secretary of State and the Pima County Recorder's Office. Amendments shall be effective on the date of filing with the Secretary of State.

N. TERMINATION AND SUSPENSION PROCEDURES

1. This Agreement may be terminated or suspended in whole or in part by either party, upon providing 30 days advance written notice by certified mail to the other party.
2. The LA shall, prior to the termination of all or part of this Agreement, forward to the ADEQ Director all files, public documents or pending applications received by the LA for those functions, powers, and duties being terminated, a summary status report of those functions, powers, and duties, and shall provide written notification to all persons with pending applications and to all regulated facilities affected by such termination.
3. The cancellation provisions of ARS Section 38-511, the terms of which are hereby incorporated herein, shall apply to this Agreement.

O. TERM OF AGREEMENT

1. The effective date of this Agreement is the date of filing of this Agreement with the Secretary of State. The expiration date of this Agreement is June 30, 2006. In the event a new Agreement is not executed by that date, this Agreement may be extended by mutual agreement of both parties by filing an amendment in accordance with the provisions of A.R.S. § 41-1081.

P. NAME AND ADDRESS OF PRIMARY CONTACT PERSONS

1. Steven J. Burr
Special Counsel
Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, Arizona 85007
(602) 771-4251

2. Ursula Kramer
Director
Pima County Department of Environmental Quality
130 West Congress Street
Tucson, AZ 85701-1317
(520) 740-3352

APPENDIX A
Pima County
Water Quality Management

A. Delegated Responsibilities:

The LA agrees to perform those water quality management functions and duties which are designated by a “Yes” in the first column of the following table. Applicable rules include those that authorize the described activities and those that are to be implemented and enforced during the conduct of those activities.

Dele- gated?	Functions and Duties	Applicable Rules	Personnel Qualifi- cations	Standards of Performance
Yes	1. General functions and duties pertaining to the administration of <u>Type 1 and Type 4 General Aquifer Protection Permits</u> delegated to the LA pursuant to this table.	A.A.C. R18-9-101, 105(C) and 110; R18-9-A301(A)(1), (A)(4), (B) and (D); R18-9-A302 through A316 except A307(B) and A309 (E).	C1, C2, C3, C4*, C5*, C6*	D1.1 - D1.5; D3.1 - D3.8
Yes	2. Complaint response, compliance assistance, and compliance and enforcement responsibilities for the following <u>Type 1 General Aquifer Protection Permits</u> : 1.07 Dockside facilities and watercraft 1.08 Earth pit privy 1.09 Sewage treatment facility with a flow less than 20,000 gallons per day operating under a general permit before January 1, 2001	R18-9-B301(G), (H) and (I)	C1, C2, C3, C4, C5, C6	D1.1 - D1.5
Yes	3. Review and approval of the <u>4.02 General Aquifer Protection Permit for a Septic Tank System with Disposal by Trench, Bed, Chamber Technology, or Seepage Pit</u> with a design flow of less than 3000 gallons per day	A.A.C. R18-9-E302	C1, C2, C3, C4, C5, C6	D1.1 - D1.5; D3.1 - D3.8
Yes	4. Compliance and enforcement responsibilities for the <u>4.02 General Aquifer Protection Permit for a Septic Tank System with Disposal by Trench, Bed, Chamber Technology, or Seepage Pit</u> with a design flow of less than 3000 gallons per day	A.A.C. R18-9-A308; R18-9-E302; and related provisions indicated in Item #1	C1, C2, C3, C4, C5, C6	D1.1 - D1.5; D3.1 - D3.8

Delegated?	Functions and Duties	Applicable Rules	Personnel Qualifications	Standards of Performance
Yes	<p>5. Review and approval of the following <u>4.03 through 4.22 General Aquifer Protection Permits for On-Site Wastewater Treatment Facilities</u> with a design flow of less than 3000 gallons per day:</p> <p>4.03 Composting toilet 4.04 Pressure distribution system 4.05 Gravelless trench 4.06 Natural seal evapotranspiration bed 4.07 Lined evapotranspiration bed 4.08 Wisconsin mound 4.09 Engineered pad system 4.10 Intermittent sand filter 4.11 Peat filter 4.12 Textile filter 4.13 RUCK® system 4.14 Sewage vault 4.15 Aerobic system with subsurface disposal 4.16 Aerobic system with surface disposal 4.17 Cap system 4.18 Constructed wetlands 4.19 Sand lined trench 4.20 Disinfection devices 4.21 Sequencing batch reactor 4.22 Subsurface drip irrigation</p> <p>(Authorization is granted for those general permits that are not stricken)</p>	<p>A.A.C. R18-9-E303 R18-9-E304 R18-9-E305 R18-9-E306 R18-9-E307 R18-9-E308 R18-9-E309 R18-9-E310 R18-9-E311 R18-9-E312 R18-9-E313 R18-9-E314 R18-9-E315 R18-9-E316 R18-9-E317 R18-9-E318 R18-9-E319 R18-9-E320 R18-9-E321 R18-9-E322</p>	C1, C2, C3, C4*, C5*, C6*	D1.1 - D1.5; D3.1 - D3.8
Yes	<p>6. Compliance and enforcement responsibilities for <u>4.03 through 4.22 General Aquifer Protection Permits for On-Site Wastewater Treatment Facilities</u> with a design flow of less than 3000 gallons per day</p>	A.A.C. R18-9-A308; regulatory citations for general permits authorized in Item #5; and related provisions indicated in Item #1	C1, C2, C3, C4, C5, C6	D1.1 - D1.5; D3.1 - D3.8
Yes	<p>7. Review and approval of the <u>4.23 General Aquifer Protection Permit for On-Site Wastewater Treatment Facilities</u> with a design flow from 3000 to less than 24,000 gallons per day</p>	A.A.C. R18-9-E323	C1, C2, C3, C4*, C5*, C6*	D1.1 - D1.5; D3.1 - D3.8

Delegated?	Functions and Duties	Applicable Rules	Personnel Qualifications	Standards of Performance
Yes	8. Compliance and enforcement responsibilities for the <u>4.23 General Aquifer Protection Permit for On-Site Wastewater Treatment Facilities</u> with a design flow from 3000 to less than 24,000 gallons per day	A.A.C. R18-9-A308; R18-9-E323; applicable regulatory citations for general permits authorized in Item #3 and Item #5; and related provisions indicated in Item #1	C1, C2, C3, C4, C5, C6	D1.1 - D1.5; D3.1 - D3.8
Yes	9. Review and approval of the <u>4.01 General Aquifer Protection Permit for Sewage Collection Systems</u>	A.A.C. R18-9-E301	C1, C2, C3	D1.1 - D1.5; D3.1 - D3.8
Yes	10. Compliance and enforcement responsibilities for the <u>4.01 General Aquifer Protection Permit for Sewage Collection Systems</u>	A.A.C. R18-9-A308; R18-9-E301; and related provisions indicated in Item #1	C1, C2, C3, C4*, C5*, C6*	D1.1 - D1.5; D3.1 - D3.8
Yes	11. Complaint response and compliance assistance for private residential <u>Gray Water Systems</u> authorized by the Type 1 Reclaimed Water General Permit	A.A.C. R18-9-701, 708(A), 709(A)(1), and 711	C1, C2, C3, C4, C5, C6	D1.1 - D1.5; D6.1
Yes	12. Review and approval of <u>Sanitary Facilities for Sub-Divisions</u>	A.A.C. R18-5-401 through 410	C1, C2, C3	D1.1 - D1.5; D4.1 - D4.3
Yes	13. Enforcement of rules governing <u>Sanitary Facilities for Sub-Divisions</u>	A.A.C. R18-5-401 through 411	C1, C2, C3, C4, C5, C6	D1.1 - D1.5; D4.1 - D4.3
Yes	14. Issuance of Approval to Construct and Final Approval of Construction for <u>Public Drinking Water Facilities</u>	A.A.C. R18-4-101, 102, 115, 119, 220 through 223, 301 through 304, 501 through 509	C1, C2, C3	D1.1 - D1.5; D2.1 - D2.5
Yes	15. Operation & Maintenance Compliance Inspections of <u>Public Drinking Water Systems</u> with Drinking Water Treatment Plant(s)	A.A.C. R18-4-101, 102, 103, 104, 112, 113, 114, 115, 116, 118, 119, 122, 124	C1, C2, C3	D1.1 - D1.5; D2.4 - D2.5
Yes	16. Operation & Maintenance Compliance Inspections of <u>Public Drinking Water Systems</u> served only by wells	A.A.C. R18-4-101, 102, 103, 104, 112, 113, 114, 115, 116, 118, 119, 122, 124	C1, C2, C3, C5, C6	D1.1 - D1.5; D2.1 - D2.5
No	17. Monitoring & Reporting Compliance Determinations for Delegated <u>Public Drinking Water Systems</u>	A.A.C. R18-4-101 through 107, 109 through 113, 117, 120, 125, R18-4-201 through 223	C1, C2, C3, C4, C5, C6	D1.1 - D1.5; D2.5

Delegated?	Functions and Duties	Applicable Rules	Personnel Qualifications	Standards of Performance
Yes	18. Enforcement of Delegated Drinking Water Rules Governing Construction Approvals and Operation & Maintenance Requirements for <u>Public Drinking Water Systems</u>	A.A.C. R18-4-121	C1, C2, C3, C4, C5, C6	D1.1 - D1.5; D2.1 - D2.5
No	19. Enforcement of Delegated Drinking Water Rules Governing Monitoring and Reporting Requirements for <u>Public Drinking Water Systems</u>	A.A.C. R18-4-121	C1, C2, C3, C4, C5, C6	D1.1 - D1.5; D2.4 - D2.5
No	20. Issuance of Approval to Construct and Final Approval of Construction for <u>Public and Semipublic Swimming Pools</u>	A.A.C. R18-5-201 through 250	C1, C2, C3	D1.1 - D1.5; D5.1 - D5.3
No	21. Enforcement of Rules Governing the Design and Construction of <u>Public and Semipublic Swimming Pools</u>	A.A.C. R18-5-201 through 251	C1, C2, C3, C4, C5, C6	D1.1 - D1.5; D5.3

* Excludes Public Works as defined in A.R.S. §32-142 and wastewater facilities which cost more than \$12,500.

**Excludes Public Works as defined in A.R.S. §32-142 and drinking water projects which cost more than \$12,500.

B. Exceptions and Special Provisions

- ADEQ will provide the LA a monthly list of applications received and applications in process within the LA's jurisdictional boundaries for individual permits pursuant to the state APP, state AZPDES and federal NPDES programs. The LA may request inclusion on the ADEQ public review distribution list for a specific draft permit.
- Functions, powers and duties of ADEQ related to the following are NOT delegated:
 - Those pertaining to drinking water and wastewater facilities owned by the federal government or the State of Arizona, those located within the exterior boundaries of Indian country, those owned or operated by the LA, or those owned or operated by districts subject to the control of the LA, unless as otherwise mutually agreed upon. A private facility to be dedicated to the LA after completion of construction may be reviewed by the LA if all approvals and licenses are issued to the owner of the private facility prior to the date of the dedication of the facility.
 - Those relating to facilities financed, either wholly or in part, with federal funds.
- Final approval of any drinking water facility or sewage collection system designed by or for the LA, or for capital improvement projects, is NOT delegated to the LA. This exception does not prohibit or otherwise affect later assignment or transfer to the LA of a drinking water facility or sewage collection system approved by the LA.

4. ADEQ will allow LA to accompany ADEQ on inspections, where feasible, of wastewater facilities operating pursuant to Individual Aquifer Protection Permits and federal NPDES or state AZPDES permits, for training and other purposes.
5. ADEQ will maintain a list of approved products for on-site wastewater treatment facilities in accordance with A.A.C. R18-9-A309(E) and will retain the responsibility to process all product approval determinations in connection with the list.
6. ADEQ is responsible for inspection of manufacturing facilities to confirm that manufacturing practices for septic tank production are consistent with applicable requirements of A.A.C. R18-9-A314 (A) and (B). The LA shall inspect the septic tank at the installation site prior to final approval of an on-site wastewater treatment facility to visibly determine conformance with standards set forth in A.A.C. R18-9-A314. The LA shall document observed deficiencies pertaining to A.A.C. R18-9-A314 in correspondence pursuant to A.A.C. R18-9-A301(D)(2), and send one copy of such correspondence to ADEQ, Attention: ADEQ contact person for compliance and enforcement identified in Subpart G of this Appendix.
7. Lists A, B and C of Subpart F of this appendix specify the delegation status of drinking water systems. These lists will govern the scope of functions and duties delegated to the LA for specific drinking water systems. Amendment of these lists shall be by a joint document signed by a representative of ADEQ and the LA. Copy of the executed document shall be sent to the ADEQ and LA Primary Contact Persons identified in Subpart P of this agreement.

C. Personnel Qualifications:

Subject to Standard of Performance D1.3, the functions and duties listed in Section A of this Appendix shall be performed by individuals with the following minimum personnel qualifications. Where more than one category of personnel qualifications is listed in Appendix A, the personnel may qualify under any of the categories listed.

Duties shall be performed by:

1. A Professional Engineer registered in the State of Arizona with at least 4 years experience in Sanitary Engineering or a closely related field (equivalent of ADEQ Environmental Engineer position)
2. An individual who is capable of being an Engineer-in-Training Candidate (A.A.C. R4-30-222) under the State Board of Technical Registration (equivalent of ADEQ Engineering Aide position), and who is directly supervised by a Professional Engineer registered in the State of Arizona with at least 4 years experience in Sanitary Engineering or a closely related field.
3. A Registered Sanitarian (A.A.C. Title 9, Chapter 16, Article 4 and A.R.S. §36-136.01) with at least 4 years applicable service, or the equivalent of an ADEQ Environmental Program Specialist with 4 years applicable experience, either of whom is directly supervised by a Professional Engineer

registered in the State of Arizona with at least 4 years experience in Sanitary Engineering or a closely related field.

4. An individual who is capable of being an Engineer-in-Training candidate under the State Board of Technical Registration (A.A.C. R4-30-222) (equivalent of ADEQ Engineering Aide position) or a Registered Sanitarian with 4 years applicable experience.
5. A Registered Sanitarian with 4 years applicable experience.
6. A Sanitarian Aide or Sanitarian-In-Training (A.A.C. R9-16-402) with 2 years education in Public Health, Sanitary Engineering or a closely related field or a Registered Sanitarian who is directly supervised by a Registered Sanitarian with 4 years applicable experience.

D. Standards of Performance:

The LA shall comply with the following standards of performance for applicable licenses and associated functions and duties delegated to the LA as listed in Section A of this Appendix.

General Provisions

- 1.1. The LA shall perform the reviews for licenses delegated in the table in Section A of this appendix according to applicable time frames specified in A.A.C. R18-1-525, Tables 5, 6, 7, and 10.
- 1.2. The LA shall not issue an Approval to Construct, Approval of Construction, Provisional Verification of General Permit Conformance, Verification of General Permit Conformance, or Certificate of Approval for Sanitary Facilities for Subdivisions for any project which is not in compliance with ADEQ statutes and rules and any conditions specified in this delegation agreement. The LA may make an exception if the project will bring the facility into compliance or if the facility is on a schedule to achieve compliance, consistent with an approved administrative order or consent decree.
- 1.3. Whenever a review of plans, specifications, design reports or construction documents by the LA constitutes the practice of engineering, as defined in A.R.S. § 32-101(B)(11), approvals, licenses or other documents that result from such review by the LA shall be prepared by or under the supervision of a professional engineer registered in Arizona whose registration or work experience is consistent with the work approved. Any approval or license resulting from such review shall be signed by the registrant or registrant's designee.
- 1.4. Accurate file records shall be maintained by the LA for the approval decision including date, basis for decision, and stipulations, if any, for all approvals, including those prepared by or under the supervision of a professional engineer registered in Arizona.

- 1.5. If, for a project reviewed by the LA, the LA becomes aware that the project involves disposal or discharge of wastewater to a water of the United States, the LA shall direct the applicant to ADEQ for any necessary permits.

Drinking Water Systems

- 2.1. The LA shall review plans and specifications submitted for new drinking water facilities in conformance with the applicable rules and laws of the State. Plans that comply with applicable requirements may be approved for construction in accordance with A.A.C. R18-4-505. Issuance of Approvals to Construct (ATC) may be processed through the LA's central permit system. ATCs must be denied for proposed facilities for which plans and specifications do not demonstrate that the system can reasonably be expected to comply with the applicable rules.
- 2.2. The LA shall not issue an Approval of Construction (AOC) unless construction conforms with approved plans and specifications. As needed, the LA may inspect the construction to ensure conformance with approved plans and specifications. In accordance with A.A.C. R18-4-506, any deviation from the approved plans shall be reconciled either by submission of approvable as-built plans to the LA or modification of construction to bring it into conformance with the approved plans.
- 2.3. The following requirements shall be satisfactorily met before an AOC will be issued by the LA on a newly constructed water supply system, an extension to an existing public water system, or any alteration of an existing public water system that affects its treatment, capacity, water quality, flow, distribution, or operational performance (A.A.C. R18-4-507(B)):
 - a. A professional engineer, registered in Arizona, or a person under the professional engineer's direct supervision, shall complete a final inspection and submit a Certificate of Completion on a form approved by ADEQ to which the seal and signature of the registrant have been affixed;
 - b. The construction conforms to approved plans and specifications, as indicated in the Certificate of Completion and all changes have been documented by the submission of record drawings, pursuant to A.A.C. R18-4-508;
 - c. An operations and maintenance manual has been submitted and approved by ADEQ (or LA) if construction includes a new water treatment facility; and
 - d. An operator, who is certified by ADEQ at a grade appropriate for each facility, is employed to operate each water treatment plant and the potable water distribution system.
- 2.4. Operation of a newly constructed water supply shall not begin until an Approval of Construction(AOC) is issued by the LA in accordance with A.A.C. R18-4-507.
- 2.5. Compliance inspections of public drinking water systems shall be performed at least once every five years, except that facilities using surface water supplies shall be inspected annually. Inspections shall cover facility operations and maintenance and compliance with applicable

regulatory requirements including operator certification, plan approval and conformance with any existing compliance schedules related to operation and maintenance.

- 2.6. In accordance with Exceptions and Special Provisions, Section B.7 of this Appendix, the LA is delegated functions and duties consistent with water system Lists A, B and C. The lists may be modified in writing by ADEQ and the LA as new systems are established or as otherwise agreed upon. ADEQ will notify the system owner if it changes its delegation of functions, powers, and duties with respect to a listed system.
- 2.7. The LA shall not issue an ATC on new Community Water Systems and Nontransient, Noncommunity Water Systems that begin operation on or after October 1, 1999, until ADEQ has notified the LA in writing that the water system has met the requirements of A.A.C. R18-4-601 through 607. Existing facilities not appearing on current ADEQ facility inventories, which are subject to rules for Community Water Systems and Nontransient, Noncommunity Water Systems, shall be added to Subpart F, List C, unless the facility is not delegated pursuant to Subpart B.2, with the understanding that all capacity development requirements shall be satisfied before any system extension.
- 2.8. The delegated authorities of the LA do not include A.A.C. R18-4-110, Variances; R18-4-111, Exemptions; R18-4-112, Exclusions; and R18-4-224 and 225, Monitoring Assistance Program.
- 2.9. The LA shall not implement drinking water rules promulgated after the effective date of this Agreement by the U.S. Environmental Protection Agency or ADEQ until receiving a letter of authorization from ADEQ.

On-Site Wastewater Treatment Facilities and Sewage Collection Systems

- 3.1. The LA shall incorporate any language provided in writing by ADEQ into the Certification of Compliance section of the Notice of Intent to Discharge (NOI) that relates to licensing time frame requirements for review of the application by the LA. Signature of the Certification of Compliance section by the applicant binds the applicant and the LA to the specified time frames. The LA shall review all submittals within specified time frames for conformance with the procedural and technical requirements established in statute, rule and guidance materials provided by ADEQ, including any ADEQ clarifications of the rule.
- 3.2. Upon receipt of an NOI, as the initial step of the pre-construction review phase described in A.A.C. R18-9-A301(D)(1), the LA shall review the NOI to determine whether the applicant submitted all required components of the NOI as specified by A.A.C. R18-9-A301(B), R18-9-A309(B), and R18-9-E301 through E323, as applicable. If the LA, as a result of this review, determines that any components are missing, the LA shall notify the applicant in writing of such determination within the time frame for the Administrative Completeness Review established in A.A.C. R18-1-525 and request that the applicant submit the required components within 30 business days or other reasonable period of time. The Administrative Completeness Review time frame is suspended from the time the LA has notified the applicant of any deficiencies until the

time the applicant has submitted additional documents to the LA in response to the notification request.(The LA is not required to notify the applicant if the LA determines that all required components of the NOI were submitted).

If the applicant fails to submit the required components of the NOI within the period of time specified by the LA, the LA shall notify the applicant of its decision not to issue a Verification of General Permit Conformance (VGPC) in accordance with A.A.C. R18-9-A301(D)(1)(d).

- 3.3. If the applicant has submitted all required components of the NOI in accordance with Standard of Performance D.3.2, the LA shall proceed with the pre-construction review phase described in A.A.C. R18-9-A301(D)(1) by beginning the Substantive Review. The LA shall review the substantive information provided by the applicant to determine if the project complies with General Aquifer Protection Permit requirements. If the LA determines that the project complies with General Aquifer Protection Permit requirements, the LA shall issue a Provisional Verification of General Permit Conformance (PVGPC) through the LA's central permit system in accordance with A.A.C. R18-9-A301(D). The applicant may begin construction of the project upon receipt of the PVGPC.

As needed, during the pre-construction phase, the LA may inspect the site to ensure that the proposed project will conform with applicable rules and laws of the State. If review of a submitted document or inspection of the site indicates a deficiency, the LA shall notify the applicant in writing of such determination before the end of the pre-construction phase Substantive Review. The LA shall provide the applicant 30 business days or other reasonable period of time to submit additional required information to resolve the deficiencies. The pre-construction phase Substantive Review is suspended from the time the LA has notified the applicant until the time the applicant has submitted additional information to the LA in response to the request.

If the applicant fails to submit the required information within the specified period of time or the information received by the LA indicates that the proposed facility cannot reasonably comply with the applicable requirements, the LA shall notify the applicant in writing of its decision not to issue a VGPC in accordance with A.A.C. R18-9-A301(D)(1)(d). (If the LA did not issue a written notice of administrative completeness or deficiencies, the NOI is deemed administratively complete; therefore, the time frame for the LA to complete all pre-construction processing of the application consists of the sum of the pre-construction phase Administrative Completeness Review and pre-construction phase Substantive Review.

- 3.4. Following issuance of the PVGPC by the LA, the applicant may take up to two years to complete construction. Upon completion of construction, the applicant shall submit required post-construction documentation, which serves notice to the LA to begin the post-construction phase review. The LA shall review the submittal to determine whether all required components were submitted as specified by A.A.C. R18-9-A301(D)(1)(f)(i), R18-9-A309(C), and R18-9-E301 through E323, as applicable. If the LA, as a result of this review, determines that any components are missing, the LA shall notify the applicant in writing of such determination within the time frame

for the post-construction Administrative Completeness Review and request that the applicant submit the required components within 30 business days or other reasonable period of time. The Administrative Completeness Review time frame is suspended from the time the LA has notified the applicant of any deficiencies until the time the applicant has submitted the required documents to the LA in response to the notification request.

As needed, the LA may inspect the construction to ensure conformance with the design approved in the PVGPC. If, during construction, changes are made to the approved design that meet the criteria established in A.A.C. R18-9-A301(D)(1)(e)(iii), the LA shall issue the VGPC only if the applicant submits the documentation required by A.A.C. R18-9-A301(D)(1)(e)(iv).

The post-construction phase Substantive Review begins when the LA has determined that all required post-construction documents have been submitted. The LA shall, based on review of submitted documents and any inspections performed by the LA, make the determination to issue the VGPC within the time frame for the post-construction phase Substantive Review. The LA shall follow procedures in A.A.C. R18-9-A301(D)(2) for notifying the applicant of any deficiencies and issuing or denying the VGPC.

- 3.5. The LA shall review the application based on whether the requirements for Administrative Completeness Review and Substantive Review are met. An application shall not be denied based on the applicant's qualifications unless those qualifications are specifically established in statute or rule for that document. The LA shall review the document to determine conformance with procedural and technical requirements established in statute, rule and guidance materials provided by ADEQ. If the document does not meet these requirements, the LA shall use the mechanisms provided in the Administrative Completeness Review and Substantive Review processes to notify the applicant of deficiencies in the document. The LA shall notify the applicant if the LA believes that the provisions of the Arizona Board of Technical Registration statutes or rules require submittal of sealed design documents.
- 3.6. The LA is authorized to issue a PVGPC and a VGPC for an on-site wastewater treatment facility with a design flow of less than 3000 gallons per day provided all components of the treatment and disposal works of the facility are covered by one or more than one General Aquifer Protection Permit listed in Section A of this appendix. If Section A of this appendix delegates General Permit 4.23 (A.A.C. R18-9-E323) to the LA, the LA is authorized to issue a PVGPC and a VGPC for an on-site wastewater treatment facility with a design flow from 3000 gallons per day to less than 24,000 gallons per day provided all components of the proposed facility are covered by General Aquifer Protection Permits delegated to the LA in Section A of this appendix. NOIs submitted to the LA for facilities that do not meet these criteria shall be forwarded to ADEQ for review and processing or notification to the applicant that an Individual Aquifer Protection Permit is required.
- 3.7. Operation of a newly constructed on-site wastewater treatment facility or sewage collection system shall not begin until a Verification of General Permit Conformance (VGPC) is issued by the LA in accordance with A.A.C. R18-9-A301.

3.8. The LA may review and approve requests for a feature of alternative design submitted under A.A.C. R18-9-A312(G), but shall not review or approve any request that:

- a. Is beyond the scope of technologies permitted under the General Aquifer Protection Permits delegated to the LA in Section A of this appendix,
- b. Proposes a change to the listed performance criteria for treatment technologies or the hydraulic loading rates for treatment media established in A.A.C. R18-9-E302 through R18-9-E323, specified in any design reference document approved by ADEQ, or listed for a proprietary or other product approved by ADEQ under A.A.C. R18-9-A309(E),
- c. Proposes a change to the relationship between soil absorption rate and percolation rate established in A.A.C. R18-9-A312(D)(2)(a) or between soil absorption rate and soil type established in A.A.C. R18-9-A312(D)(2)(b),
- d. Proposes a change to the relationship between the soil absorption rate and adjusted soil absorption rate established in A.A.C. R18-9-A312(D)(3), and
- e. Proposes a change to the relationship between the total coliform concentration and minimum vertical separation from groundwater established in A.A.C. R18-9-A312(E).

The LA shall forward any project to ADEQ for processing that is submitted with a alternative design request under A.A.C. R18-9-A312(G) that does not meet the criteria cited in Standards of Performance D.3.8.a or b. The LA shall use a form provided by ADEQ to forward the project. The LA shall refund to the applicant any fees paid to the LA for processing the application. ADEQ shall accept the application and process it as a new application under ADEQ's fee and licensing time frame schedules. If the request under A.A.C. R18-9-A312(G) is for a change in one of the relationships cited in Standard of Performance D.3.8.c, d, or e, the LA shall notify the applicant under the Administrative Completeness Review procedure that the application is deficient because ADEQ has not authorized and does not it itself review requests pertaining to those relationships. Except where other provisions apply as indicated above, the LA shall forward any project to ADEQ for processing submitted with a request under A.A.C. R18-9-A312(G) that the LA has determined would require excessive review time, research, or specialized expertise to act on the request. The LA shall refund to the applicant any fees paid to the LA for processing the application. ADEQ shall accept the application and process it as a new application under ADEQ's fee and licensing time frame schedules.

Subdivisions

- 4.1. Plans and specifications for approval of a subdivision or portion thereof will be reviewed for conformance with the applicable rules and laws of the State. Projects that comply with such requirements may be approved by issuing a Certificate of Approval for Sanitary Facilities for Subdivisions (CASFS) through the LA's central permit system in accordance with A.A.C. R18-5-401 through 411. If the documents submitted for review do not demonstrate that the subdivision reasonably complies with the applicable rules, the LA shall notify the applicant of its decision not to issue the CASFS.

- 4.2. For a new subdivision where wastewater disposal is by means of on-site wastewater treatment facilities, the LA shall not approve the subdivision unless the geological report required for submittal by the applicant under A.A.C. R18-5-408(E)(1) provides adequate information indicating that water quality will not be adversely affected by individual or cumulative discharges from the facilities to be constructed as a result of the approval. The information submitted in the geological report shall be sufficient to determine that the types of systems proposed for the subdivision are suitable for the soils and site conditions, including any constraints that might be posed by the minimum vertical separation criteria specified in A.A.C. R18-9-A312(E).

The information submitted in the geological report also shall be sufficient to determine that the cumulative discharge of total nitrogen from the on-site wastewater treatment facilities will not cause or contribute to a violation of the Aquifer Water Quality Standard for nitrate. Unless site-specific circumstances dictate otherwise, the LA may assume that the cumulative discharge will not cause or contribute to a violation of the Aquifer Water Quality Standard for nitrate when the applicable residential zoning requirement is for a 1 acre minimum lot size, including streets, common areas, and other non-contributing areas. The LA shall maintain, in the file for the approval, the geological report provided by the applicant and other documentation and calculations that the LA relied on in making the determination that the applicant has satisfactorily demonstrated conformance with the nitrogen loading requirement.

- 4.3. The LA shall provide two originals of the CASFS to the applicant, one of which the applicant may submit to the Arizona Department of Real Estate for that agency's subdivision report requirements.

5.1 Reserved

Private Residential Gray Water

- 6.1. The LA shall respond to complaints regarding private residential gray water use and shall provide any needed compliance assistance regarding the best management practices established in the Type 1 Reclaimed Water General Permit for private residential direct reuse of gray water (A.A.C. R18-9-711).

E. Reporting Requirements:

1. General Provisions. The LA shall submit the reports indicated in this section each month for the first 12 months after the effective date of this delegation agreement. Thereafter, except for the reporting specified in E5, the LA shall submit the reports quarterly providing the required tallies and information for each month of the quarter. Reports shall be submitted on forms provided or approved by ADEQ and shall be mailed to ADEQ within 14 calendar days after the end of the monthly or quarterly reporting period, as applicable. The LA shall mail reports to:

Kami Budhu
Division Director's Office
Water Quality Division
Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, AZ 85007

2. Drinking Water Systems. The LA shall submit monthly tallies and information as follows:
- Approvals to Construct issued.
 - Construction inspections performed.
 - Approvals of Construction issued.
 - Approvals to Construct and Approvals of Construction issued exceeding maximum licensing time frames.
 - Exception reports for Approvals which exceeded the maximum licensing time frame.
 - Appeals of LA decisions filed by applicants.
 - Compliance inspections performed
 - Complaints handled.
 - Compliance and enforcement activities.

For each compliance inspection performed, the LA shall submit a copy of the inspection report and inventory sheet. The inspection report for each facility shall indicate the operation and maintenance compliance status for the facility.

3. Type 4 General Aquifer Protection Permits (Onsite Wastewater Treatment Facilities and Sewage Collection Systems). The LA shall submit monthly tallies and information pertinent to the following subject areas on forms provided by ADEQ:
- Verifications of General Permit Conformance issued.
 - Verifications issued exceeding maximum licensing time frames.
 - Exception reports for Verifications which exceeded the maximum licensing time frame.
 - Appeals of LA decisions filed by applicants.
 - Compliance and enforcement activities.
3. Subdivisions. The LA shall submit monthly tallies and information, as required by ADEQ, pertinent to Certificates of Approval for Sanitary Facilities for Subdivisions issued by the LA.
4. Reserved
5. Enforcement Actions. A copy of each administrative, civil, or criminal action initiated under this Appendix shall be sent to the address indicated in Item E.1 within 14 calendar days of the end of the month in which the action was taken.

F. Delegation Status of Public Water Systems:

1. List A. The following systems in Pima County are not delegated to the LA:

System ID	System Name
10051	FLOWING WELLS IRRIGATION
10060	METROPOLITAN DWID-HUB
10070	MARANA DWID-CULVER
10076	METROPOLITAN DWID
10112	TUCSON WATER DEPT MUNICI
10131	MARANA DWID-HUNTER/IM
10139	MARANA DWID-DERRINGER
10158	TUCSON WATER-VALLEY VIEW
10159	TUCSON WATER-DIAMOND BELL
10162	TUCSON WATER DEPT
10169	TUCSON WATER DEPT
10171	TUCSON WATER DEPT
10173	TUCSON WATER DEPT
10187	FEDERAL CORR INSTITUTE
10190	AZ STATE PARKS-CATALINA M
10273	PCPR-SOPORI PARK
10284	PCPR-SAHUARITA PARK
10313	TUCSON FIRE & POLICE ACAD
10320	HIDTA RANGE
10326	PCPR MOTOR SPORTS
10605	USFS-CNF-LOMA LINDA
10606	SOLDIER CAMP PERMITTEES
10608	USFS-CNF-SKI LODGE
10701	ORGAN PIPE NM-HEADQUARTE
10703	SAGUARO NATIONAL PARK
20012	ADJC-CATALINA MT SCHOOL
20014	BERMUDA GARDENS TRAILER
20023	PCPR-COLOSSAL CAVE
20093	PCPR-FAIRGROUNDS
20114	PCPR-GILBERT RAY-TMP
20116	LUKEVILLE BORDER STATION
20215	UNIVERSITY OF ARIZONA
20423	U OF A-MAIN CAMPUS
20490	U OF A-GARDEN CENTER
20517	PCPR-ARTHUR PACK OLD
20519	PCPR-AIR MUSEUM
20549	USAF-DAVIS MONTHAN AFB
20557	ADOC-CORRECTION TRAINING
20566	VETERANS MEDICAL CENTER
20605	PCPR-ARTHUR PACK
20607	PCPR-LA POSTA QUEMADA
20608	PCPR-THREE POINT (VETERANS)
20609	PCPR-PICTURE ROCKS
20801	CACTUS-STELLAR LIMITED
10179	THUNDERHEAD WATER CO.
10325	TUCSON WATER-SUNSET RANCH
10350	MARANA CORRECTIONAL FACILIT
20003	PCDOT-AVRA VALLEY AIRPORT

2. **List B.** The following systems are delegated to the LA for line extension plan review:

System ID	System Name
10051	FLOWING WELLS IRRIGATION
10060	METROPOLITAN DWID-HUB
10072	MARANA MUNICIPAL WATER SE
10076	METROPOLITAN DWID
10092	MARANA MUNICIPAL
10112	TUCSON WATER DEPARTMENT MUNICIPAL
10136	MARANA MUNICIPAL
10138	MARANA MUNICIPAL WATER SYSTEM
10143	MARANA MUNICIPAL WATER SYSTEM
10150	MARANA WATER SYSTEM
10158	TUCSON WATER-VALLEY VIEW
10159	TUCSON WATER-DIAMOND BELL
10162	TUCSON WATER DEPARTMENT
10169	TUCSON WATER DEPARTMENT
10171	TUCSON WATER DEPARTMENT
10173	TUCSON WATER DEPARTMENT
10313	TUCSON FIRE & POLICE ACAD
10325	TUCSON WATER-SUNSET RANCH

3. **List C.** The following systems are delegated to the LA:

System ID	System Name
10001	AJO IMPROVEMENT CO
10002	ARIVACA TOWNSITE WATER CO
10003	AZ WATER CO-AJO
10004	COMMUNITY WATER - GREEN
10006	AVRA WATER COOP, INC
10007	LYN-LEE WATER CO
10035	VOYAGER WATER COMPANY
10041	VAIL WATER COMPANY
10046	THIM UTILITIES
10047	SASABE BORDER WATER CO
10048	FARMERS WATER CO-SAHUARI
10049	FARMERS WATER CO-SCHOOL
10053	49ER WATER COMPANY
10057	HALCYON ACRES
10058	HALCYON ACRES #2
10063	LAKEWOOD ESTATES WATER C
10064	LAS QUINTAS SERENAS W C
10065	LAZY C WATER SERVICES
10072	MARANA MUNICIPAL WATER SE
10074	MESALAND WATER CO-OP
10092	MARANA MUNICIPAL
10093	SANDARIO WATER CO INC
10095	RAY WATER CO LANSING STR
10098	RILLITO WATER USERS ASSO
10100	RINCON RANCH ESTATES WAT
10101	SAMALAYUCCA IMPROVEMENT
10117	THIM UTILITY CO
10118	WHY UTILITY CORP
10119	WINTERHAVEN WATER & DEV
10123	SAHUARITA VILLAGE WATER
10127	SPANISH TRAIL WATER CO
10128	LOS CERROS WATER CO
10132	WORDEN WATER CO
10134	CORTARO ACRES HOA
10136	MARANA MUNICIPAL
10138	MARANA MUNICIPAL WATER SY
10140	MT LEMMON WATER CO-SABIN
10142	RANCHO DEL CONEJO WATER
10143	MARANA MUNICIPAL WATER SY
10144	RINCON WATER CO
10150	MARANA WATER SYSTEM
10152	VALLE VERDE DEL NORTE
10153	AJO DOMESTIC WID
10157	GREEN VALLEY WATER COMPA
10164	ORO VALLEY WATER-C H DIVI

System ID	System Name
10175	ORO VALLEY WATER-COUNTRY
10177	SAGUARO WATER COMPANY
10178	MIRABELL WATER COOP
10183	VAL VERDE INC
10188	DESERT WATER WELL COOP S
10193	SANTA CATALINA MISSION CH
10194	BREAKERS WATER PARK
10197	ACCELERATED LEARNING CENT
10199	RINCON MESA LANDOWNER'S
10206	THIM UTILITY COMPANY
10207	THIM UTILITY COMPANY
10208	SIERRITA MOUNTAIN WATER
10213	FARMERS WATER
10214	SALPOINTE HIGH SCHOOL
10217	DECKER COMMUNITY WATER CO
10218	LAZY B WATER COMPANY
10222	TUCSON RACQUET CLUB
10228	THIM UTILITY CO #2
10237	AMITY CIRCLE TREE RANCH
10242	SIETA CASAS JOINT VENTURE
10258	CATERPILLAR WATER
10260	DOME WELL ASSOCIATION
10262	QUAIL CREEK WATER
10264	THIM WATER CORP #2
10265	WILDFLOWER WATER CO-OP
10268	SHAE WATER COMPANY
10269	WELLS FARGO WELL ASSOC
10270	SIERRITA FOOTHILLS LANDOW
10272	RANCHO TIERRA BLANCA POA
10275	SOUTHERN PINES BAPTIST C
10278	RAINDANCE WATER CO-OP
10281	PANTANO WATER COOP
10282	HIGH CHAPARRAL WATER COOP
10283	FRANCESCA WATER-TALA WAY
10286	RANCHO SIERRITA WELL ASSC
10311	SUPERSTITION WATER SYSTEM
10312	RANCHO SAHUARITA WATER CO
10317	FRANCESCA WATER-AMBER ANN
10351	THIM UTILITY
10354	ANWAY MANVILLE WATER CO
10357	DIABLO VILLAGE WATER CO
10360	MESQUITE WELL GROUP

System ID	System Name
20005	ASARCO, INC-MISSION UNIT
20006	ASARCO SILVER BELL UNIT
20008	PHELPS DODGE-TWIN BUTTES
20011	AZ PORTLAND CEMENT-PLANT
20018	CAMP ADVENTURE
20019	CAMPBELL ESTATES MHP
20026	CRESCENT MANOR TRAILER C
20033	DESERT SHORES MHP
20036	PHELPS DODGE SIERRITA INC
20041	EMERY PARK MOBLE HOME PK
20042	FAR HORIZONS MOBILE HOME
20043	NORTH LA CHOLLA MHP
20056	KING'S TRAILER LODGE
20068	RANCHO LOS AMIGOS M H P
20086	REDWOOD LODGE
20092	SIERRA COURT TRAILER PARK
20094	SLEEPY HOLLOW MHP
20096	SOLANA & SOMBRA MHP
20098	SPANISH TRAIL MOTEL
20100	SU CASA MHP
20108	TRA-TEL TUCSON R V PARK
20109	TOWN & COUNTRY M H P
20122	WHITE STALLION GUEST RAN
20129	RIVERSIDE APTS
20134	LAZY K BAR RANCH
20135	LIL ABNER'S STEAKHOUSE
20159	ORCHARD VALLEY MHP
20167	WEBB'S STEAK HOUSE
20175	LOS ARBOLES MOBILE HOME
20176	LAZY ACRES MHP
20178	SUMMIT WATER COMPANY
20197	CACTUS COUNTRY TR HAVEN
20205	RANCHWOOD MOBILE PARK COM
20212	ST JOSEPH'S HOSPITAL
20213	TUCSON MEDICAL CENTER
20214	TUCSON GENERAL HOSPITAL
20307	AMPHITHEATER HIGH SCOOL
20325	ESTES SCHOOL
20331	SAHUARITA SCHOOL DIST 30
20334	SOPORI ELEMENTARY SCHOOL
20336	VAIL SCHOOL
20349	REGINA CLERI CENTER
20368	GREENFIELDS SCHOOL
20392	LAZY A MOBILE HOME PARK
20400	CAMP WHISPERING PINES-GI
20402	LATTER DAY SAINTS CHURCH
20405	CANYON RANCH

System ID	System Name
20419	SAHUARITA HEIGHTS MOBILE
20420	VIA VERDE WEST M H P
20439	VISTA DEL NORTE T P
20443	FAR HORIZONS EAST
20445	VILLA CAPRI TRAILER PARK
20446	TUCSON ROCK AND SAND
20447	TUCSON READY MIX-ORANGE G
20451	A-A RV CAMPGROUND
20457	CAMP LAWTON
20458	RANCHO DE LA OSA
20472	TANQUE VERDE GUEST RANCH
20474	ELKHORN RANCH
20475	CORONADO FOREST DRIVE COO
20478	SILVER CHOLLA MHP
20479	GRINGO PASS TRAILER PARK
20481	HOMEOWNERS COOP
20487	RIO VISTA MOBILE HOME PA
20488	LOS RANCHITOS TRAILER PA
20495	PIMA RAMADA MOBILE HOME P
20500	CATALINA COUNTRY MOBILE
20504	AMPHITHEATER CORONADO
20505	MARANA HIGH SCHOOL
20512	COLONIAL MOBILE & TRAILER
20514	PALM VISTA ESTATES M.H.P.
20516	KINO MOBILE HOME PARK
20529	CAROL ANNE DR HOMEOWNERS
20531	CASITAS DE CASTILIAN
20534	ORACLE VILLA APARTMENTS
20538	DESERT WILLOWS M H P
20542	DIAMOND GROVE MOBILE H E
20546	HALFWAY STATION MHP
20567	U OF A SCIENCE & TECH PRK
20570	MISSION PALMS APARTMENTS
20572	TERMINAL STATIONS
20575	FOOTHILLS VISTA MHC
20583	TUCSON ELECTRIC POWER CO
20590	FRED'S ARENA BAR & STEAK
20595	SUMMIT WATER COOP
20598	DEEP WELL COOPERATIVE
20600	PITA WATER
20601	CABELLO LOCO RANCH
20602	RINCON COUNTRY EAST RV RE
20606	LA CASITA WATER CO
10219	CATALINA VILLAGE
10322	MARANA MUNICIPAL

G. Agency Contact Persons:

The following LA Employee has been designated as responsible for administering the functions and duties pursuant to this Appendix. The LA shall provide written notice of any successor.

Name: Ursula Kramer, Director
Title: Pima County Department of Environmental Quality
Address: 130 West Congress Street
Tucson, AZ 85701-1317

The following ADEQ employees have been designated as responsible for administering the functions and duties pursuant to this Appendix. The ADEQ shall provide written notice of any successor.

Approvals of Drinking Water Systems, Subdivisions, and [Not Delegated] Swimming Pools

Name: Jeff Stuck
Title: Manager, Drinking Water Section
Address: Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, AZ 85007

Approvals of On-Site Wastewater Treatment Facilities and Sewage Collection Systems; Private Residential Gray Water

Name: Michele Robertson
Title: Manager, Water Permits Section
Address: Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, AZ 85007

Compliance and Enforcement

Name: Mike Traubert
Title: Manager, Water Quality Compliance Section
Address: Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, AZ 85007

The naming of a successor to any of the above individuals shall not require the re-execution of or an amendment to this Agreement.

APPENDIX B
ADEQ # 00-0023 - PIMA COUNTY
SOLID WASTE MANAGEMENT

A. DELEGATED RESPONSIBILITIES:

The LA agrees to perform those solid waste management functions and duties which are indicated in the first column of the following table. Applicable rules, statutes, and Title 40 Codes of Federal Regulations (CFR) include both those that authorize or prohibit the described activities and those that are to be enforced during the conduct of those activities.

Dele-gated?	Functions and Duties	Applicable Rules Statutes and CFRs	Personnel Qualifications	Std. Of Performance
X	1. Inspection of septic tank cleaners for ADEQ licensing ¹	A.R.S. §§49-141, 142, 143,144; R18-8-606, 612, 613, 614, 615, 616, 617	2 or 4	1
X	2. Inspection of refuse haulers ²	A.R.S. §§49-141, 142, 143,144; R18-8-504, 505, 506, 508, 509, 510, 511	2 or 4	2
X	3. Investigation of nuisance complaints, and enforcement to eliminate environmental nuisances ³	A.R.S. §§49-141, 142, 143,144; R18-8-503, 504	2 or 4	1 or 2
	4. Investigation of, and enforcement to eliminate illegal disposal of solid waste ⁴	A.R.S. §§49-701, 701.01, 791(A)(4); R18-8-503, 504, 507, 511	2 or 4	2
	5. Investigation of and enforcement to eliminate illegal waste tire storage and disposal	A.R.S. §§44-1301, 1304, 1304.01, 1307	2 or 4	4
	6. Investigation of and enforcement to eliminate used oil disposal to land	A.R.S. §§49-801, 803, 811, 812; Title 40 CFR §279.1	2 or 4	5
	7. Investigation and enforcement of used oil generators for compliance with storage, labeling, and release response requirements	A.R.S. §§49-801, 802.C.1, 811, 812; Title 40 CFR §§279.1, 279.22	2 or 4	6

Dele-gated?	Functions and Duties	Applicable Rules Statutes and CFRs	Personnel Qualifications	Stds. Of Performance
	8. Investigation of and enforcement to eliminate illegal disposal of lead acid batteries and unregistered collection sites	A.R.S. §§44-1321, 1322, 1324	2 or 4	7
X*	9. Inspection and registration of lead acid battery collection and recycling facilities	A.R.S. §§44-1321, 1322, 1324	2 or 4	7
X	10. Inspection of agricultural solid waste landfills operated by persons engaged in farming or ranching on at least 40 acres in an unincorporated area ⁵	A.R.S. §49-766(B); R18-8-504, 511	2 or 4	2
	11. Inspection of landfills for the disposal of solid waste resulting from residents' household activities at single family residences located on a farm or ranch of more than 40 acres in an unincorporated area ⁵	A.R.S. §49-766(A); R18-8-504, 511	2 or 4	2
X	12. Approval of solid waste collection and disposal provisions for new subdivisions	R18-5-409, R18-8-505, 511, 512	1, 3, or 4	3
X	13. Granting of refuse collection frequency variances for all commercial accounts and for residential areas outside city or town limits	R18-8-508(B)	1 or 4	2
X*	14. Inspection of any other solid waste storage, treatment, processing or disposal facility other than solid waste landfills ⁶	A.R.S. §49-762.07(F)	2, 3, or 4	2
	15. Inspection of biohazardous medical waste transporters for ADEQ registration ⁷	A.R.S. §§49-761(D), 768; R18-13-1401, 1402, 1403, 1404, 1409	2 or 4	8

¹Permitting of septic tank cleaners by the county health departments is already authorized by Arizona Administrative Code (A.A.C.) R18-8-613. The county health departments are also already authorized to revoke or suspend county

septic tank cleaner permits under A.A.C. R18-8-616(C). The purpose of this delegation is to recognize county inspections as valid for the purpose of issuance of ADEQ septic licences, and to ensure that inspections of septic haulers are conducted at least annually.

²The county health departments are already authorized to issue licences to refuse haulers pursuant to A.R.S. §49-765 and A.R.S. §49-704. The inclusion of this function in this delegation agreement is only to act as a formal process by which the county agrees to be responsible for inspection of refuse haulers and for ADEQ to ensure such inspections are conducted at least annually. ADEQ shall retain authority over City of Tucson refuse hauling vehicles.

³The county health departments are already authorized to investigate and enforce nuisances, sources of filth and unsanitary conditions pursuant to A.R.S. §§36-167, 36-168, and 36-186.

⁴Some examples of illegal disposal of solid waste includes: wildcat dumping and other surface littering or disposal to land surfaces, such as in washes, canyons, fissures, and arroyos, or organized operations by landowners or businesses to backfill excavated areas such as borrow pits, or sand and gravel mining pits, with solid waste. Solid waste may be in the form of ashes, garbage, manure, refuse, or rubbish which is typically mixed with inert materials such as construction debris, demolition debris, and landscape cleanup debris.

⁵The county health departments are already authorized to adopt their own policies for the regulation of solid waste (such as for agricultural and single family residential solid waste landfills) pursuant to A.R.S. §49-704. A location map and written, general description of agricultural and single family residential solid waste landfills located on at least 40 acres in unincorporated areas, are already required to be submitted to the county board of supervisors pursuant to A.R.S. §49-766.

⁶Examples of solid waste storage, treatment, processing or disposal facilities other than solid waste landfills include solid waste transfer facilities, solid waste recycling facilities, household hazardous waste collection facilities.

⁷Permitting, licensing, or other approval by the local health department or environmental agency is already authorized by A.A.C. R18-13-1409(A). The purpose of this delegation is to recognize county inspections as valid for the purpose of issuance of ADEQ registrations, and to ensure that inspections of each biohazardous medical waste transporting vehicle for compliance with the record keeping and operational requirements listed in A.A.C. R18-13-1409(C), (E), (F), and (G)(4) are conducted at least annually.

* Implementation of this delegated function shall be delayed until the LA can retain sufficient and qualified personnel to perform this function. The LA shall notify ADEQ in writing in advance of the date the LA intends to start performing this delegated function and request training from ADEQ as necessary.

DEFINITIONS

1. Biohazardous Medical Waste. That component of medical waste that has been demonstrated to transmit etiologic agents and is composed of one or more of the following: cultures and stocks of human and animal infectious agents; human blood and blood products; human pathologic wastes; medical sharps used in animal or patient care; research animal wastes.
2. Biohazardous Medical Waste Transporter. A person engaged in the hauling of biohazardous medical waste from the point of generation to an ADEQ approved storage facility or an ADEQ approved treatment or disposal facility.
3. Environmental Nuisance. The creation or maintenance of a condition in the soil, air or water that causes or threatens to cause harm to the public health or the environment. The following solid waste conditions or occurrences may constitute environmental nuisances:
 - a. A condition or place in populous areas which constitutes a breeding place for flies, rodents, mosquitoes and other insects which are capable of carrying and transmitting disease-causing organisms to any person or persons.
 - b. Sewage, human excreta, wastewater, garbage or other organic wastes deposited, stored discharged or exposed so as to be a potential instrument or medium in the transmission of disease to or between any person or persons.
 - c. A vehicle or container which is used in the transportation of garbage or human excreta and which is defective and allows leakage or spillage of contents.
 - d. The maintenance of an overflowing septic tank or cesspool, the contents of which may be accessible to flies.
 - e. The use of the contents or privies, cesspools, or septic tanks or the use of sewage or sewage plant effluents for fertilizing or irrigation purposes for crops or gardens except by specific approval of the Arizona Department of Health Services or ADEQ.
 - f. The storage, collection, transportation, disposal and reclamation of garbage, trash, rubbish, manure and other objectionable wastes other than as provided and authorized by law and rule.
4. Inert Material. Material that is not flammable and will not decompose or leach substances in concentrations that exceed applicable water quality standards prescribed by A.R.S. §49-201, paragraph 18, when exposed to water, and includes concrete, asphalt pavement, brick, rock, gravel, sand and soil.
5. Lead Acid Battery. A battery with a core of elemental lead and a capacity of six or more volts which is suitable for use in a vehicle or a boat.

6. Medical Waste. Any solid waste which is generated in the diagnosis, treatment, or immunization of a human being or animal or in any research relating to that diagnosis, treatment, or immunization; and includes vaccines, cultures, and discarded drugs.
7. Municipal Solid Waste Landfill. A municipal solid waste landfill is any landfill that accepts household waste, household hazardous waste or conditionally exempt small quantity generator waste.
8. On-site. On-site, for purposes of solid waste, means the same or geographically contiguous property that may be divided by a public right-of-way if the entrance and exit between the properties is at a crossroads intersection and access is by crossing the right-of-way and by traveling along the right-of-way. Noncontiguous properties that are owned by the same person and connected by a right-of-way that is controlled by that person and to which the public does not have access are deemed on-site property.
9. Refuse. Refuse is defined by A.A.C. R18-8-502 as all putrescible and nonputrescible solid waste, except human excreta, but including garbage, rubbish, ashes, manure, street cleanings, dead animals, abandoned automobiles and industrial wastes.
10. Rubbish. Rubbish is defined by A.A.C. R18-8-502 as "nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste such as paper, cardboard, waste metal, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials."
11. Rubbish Landfill. A rubbish landfill is one that accepts for disposal rubbish and inert materials but does not accept liquids, any type of waste that supports fly breeding or industrial processing wastes.
12. Solid Waste. Solid waste means any garbage; trash; rubbish; refuse; sludge from a waste treatment plant, water supply treatment plant or pollution control facility; and other discarded material including solid, liquid, semisolid or contained gaseous material. Solid Waste does not include inert material; landscaping rubble used to reclaim land; mining industry tailings or slag produced on-site; mining industry off-road waste tires buried on-site; domestic sewage; irrigation waters or irrigation return flows; discharges into a private or publicly owned treatment works including sewer collection systems; reclaimed wastewater from wastewater reuse facilities; industrial discharges which are point sources subject to permits under §402 of the Federal Water Pollution Control Act; hazardous wastes as defined in A.R.S. §49-921(5); wastes that contain radioactive materials that are subject to a permit or regulation under the Atomic Energy Act of 1954, as amended or Title 30, Chapter 4 of the Arizona Revised Statutes; substances or materials that remain on site as specifically approved by ADEQ in a work plan for remedial or corrective actions undertaken to comply with CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended); RCRA (Resource Conservation and Recovery Act of 1976) or the Federal Water Pollution Control Act amendments of 1972; nonexcavated soils or excavated soils subject to applicable soil remediation levels or groundwater protection levels or ADEQ notification provisions listed in A.R.S. §49-701.02.
13. Solid Waste Facility. A solid waste facility includes a transfer facility and any site owned, operated or used by any person for the collection, source separation, storage, transportation, transfer, processing, treatment or disposal of solid waste or household hazardous waste, but does not include the following:

- a. A site at which less than one ton of solid waste that is not household waste, household hazardous waste, conditionally exempt small quantity generator hazardous waste, medical waste, or special waste (automobile shredder fluff or petroleum contaminated soils above soil remediation levels), and that was generated on site and is stored, processed, treated or disposed in compliance with the solid waste facility operating and maintenance requirements listed in A.R.S. §49-762.07(F).
 - b. A site at which solid waste that was generated on site is stored for ninety (90) days or less.
 - c. A site at which nonputrescible solid waste that was generated on site in amounts of less than one thousand kilograms per month per type of nonputrescible solid waste is stored and contained for one hundred eighty days (180) or less.
 - d. A site that stores, treats or processes paper, glass, wood, cardboard, household textiles, scrap metal, plastic, vegetative waste, aluminum, steel, or other recyclable material, and that is not a waste tire facility, a transfer facility or a recycling facility.
 - e. A site where sludge from a wastewater treatment facility is applied to the land as a fertilizer or beneficial soil amendment in accordance with sludge application requirements.
 - f. A closed solid waste facility.
 - g. A site where solid waste generated in street sweeping activities is stored, processed, or treated, prior to disposal at a solid waste facility.
 - h. Household hazardous waste collection events held at a temporary site for not more than six days in any calendar quarter.
 - I. A site at which five hundred (500) or fewer waste tires are stored.
 - j. Wastewater treatment facilities as defined in A.R.S. §49-1201; agricultural on-site disposal facilities as provided in A.R.S. §49-766; on-site single family household waste composting facilities.
 - k. A closed solid waste landfill performing a onetime removal of solid waste from the closed landfill, provided the operator provides ADEQ written notice as provided in A.R.S. §49-701(29)(h).
 - l. A closed landfill where development activities occur on the property or where excavation or removal of solid waste is performed for maintenance and repair provided the conditions listed in A.R.S. §49-701(29)(k) are met.
14. Solid Waste Landfill. A solid waste landfill means a facility, area of land or excavation in which solid wastes are placed for permanent disposal. Solid waste landfill does not include a land application unit, surface impoundment, injection well, compost pile or waste pile or an area containing ash from the on-site combustion of coal that does not contain household waste, household hazardous waste or conditionally exempt small quantity generator waste.

15. Transportation Management Plan. A written plan prepared by the biohazardous medical waste transporter consisting of both of the following:
 - a. The procedures used by the biohazardous medical waste transporter to minimize the exposure to employees and the general public to biohazardous medical waste throughout the process of collecting, transporting and handling.
 - b. The emergency procedures used by the biohazardous medical waste transporter for handling spills or accidents.
16. Used Oil. Any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities. Used oil includes oil that has been contaminated as a result of handling, transportation or storage.
17. Used Oil Generator. Any person, by site, whose act or process produces used oil, or whose act first causes used oil to become subject to regulation.
18. Wildcat Dump. A wildcat dump is a location where indiscriminate littering or dumping of solid waste is occurring without the property owner's approval.
19. Waste Tire. Waste tire does not include tires used for agricultural purposes as bumpers on agricultural equipment or as ballast to maintain covers at an agricultural site, or any tire disposed of using any of the methods in A.R.S. §44-1304, subsection D, paragraphs 1 through 3, 5 through 8 and 11 and means any of the following:
 - (a) A tire that is no longer suitable for its original intended purpose because of wear, damage or defect.
 - (b) A tire that is removed from a motor vehicle and is retained for further use.
 - (c) A tire that has been chopped or shredded.
20. Waste Tire Facility. A solid waste facility at which five thousand or more waste tires are stored outdoors on any day.
21. Waste Tire Collection Site. A site where waste tires are collected before being offered for recycling or reuse and where more than five hundred tires are kept on site on any day.

B. EXCEPTIONS AND SPECIAL PROVISIONS:

1. The delegation of certain inspection functions does not prevent, alter or diminish LA's authority to implement a permitting program or to charge fees for said permits or inspection services as authorized by law.
2. The retention by ADEQ of authority over certain classes of solid waste facilities for solid waste facility plan approval, registration, licensing, permitting or inspection programs does not prevent, prohibit or otherwise limit LA's authority to issue a Cease and Desist or to take other legal actions, as provided by law, against any solid

waste storage, treatment, processing or disposal facility operating with or without ADEQ approval, registration, license or permit.

3. The ADEQ will retain authority for approval and issuance of solid waste facility plans for all municipal solid waste landfills and for all solid waste landfills other than municipal solid waste landfills.
4. The primary delegation of plan review authority for subdivisions derives from the Water Quality Management Delegation Agreements ("WQMDA"). The delegation of solid waste functions concerning subdivisions (A.A.C. R18-5-409) is intended only to supplement the WQMDA and is, therefore, in effect only for as long as, and to the same extent as, the WQMDA.
5. ADEQ's delegation of authority to investigate wildcat or illegal dumping complaints is a reaffirmation of LA's duty as conferred on it by A.R.S. §§36-167, 168 and 186.
6. ADEQ's delegation of authority to permit septic tank cleaners is a reaffirmation of LA's duty as conferred on it by A.A.C. R18-8-613.
7. The ADEQ will retain responsibility for the administration and enforcement of all solid waste facilities that are operated by federal, state, county or municipal agencies.
8. The LA shall retain all penalties collected pursuant to Section A of this Appendix.
9. The LA agrees to, to the extent practicable, conduct compliance and enforcement actions according to ADEQ policy.
10. ADEQ's delegation of authority to approve solid waste collection and disposal provisions for new subdivisions is not intended to prevent or diminish the City of Tucson's authority to designate solid waste collection or disposal methods for single family and small multi-family residences as allowed under the City's charter for new subdivisions within the City of Tucson limits.

C. PERSONNEL QUALIFICATIONS:

The following minimum personnel qualifications shall apply, where applicable, to individuals performing the functions and duties listed in Section A of this Appendix. The requirements of the Arizona Board of Technical Registration and the Arizona Sanitarians Council shall be observed.

1. Duties shall be performed by a Registered Sanitarian.
2. Duties shall be performed by or under the direction of a Registered Sanitarian.
3. Duties shall be performed by or under the direct supervision of a Professional Engineer.
4. Duties shall be performed by persons with training and experience equivalent to ADEQ's Environmental Health Specialist series.

D. STANDARDS OF PERFORMANCE:

The following standards of performance apply, where indicated, to the functions and duties listed on Section A of this Appendix.

1. The LA shall administer and enforce the health and sanitation requirements pertaining to human excreta contained in A.A.C. R18-8-612 through 617 with the following stipulations:
 - a. Any burial site or open dump site for human excreta approved by the LA in accordance with A.A.C. R18-8-612 (E) and (F), that is used more than once, shall be considered a solid waste disposal facility and must first submit a solid waste facility plan to the ADEQ pursuant to A.R.S. §49-762.
 - b. The LA will conduct annual inspections and issue permits for all vehicles used for the storage, collection, transportation or disposal of human excreta.
2. The LA shall administer and enforce the health and sanitation requirements contained in A.A.C. R18-8-501 et seq., and the environmental nuisance requirements contained in A.R.S. §49-141 through A.R.S. §49-144 with the following stipulations and exceptions:
 - a. The ADEQ shall retain the responsibility of approving design and operational plans for all solid waste landfills and solid waste storage, treatment, processing or disposal facilities, except those landfills permitted by the county as agricultural landfills located on ranches or farms of more than 40 acres, or those on-site facilities serving single residential units located on ranches or farms of more than 40 acres and those landfills operated as part of an establishment under a LA sanitation permit.
 - b.** For delegation to inspect any ADEQ approved solid waste storage, treatment, processing and disposal facilities other than solid waste landfills, the LA will inspect each of these annually. The LA shall administer and enforce any best management practices issued by rule (A.A.C.) pursuant to A.R.S. §49-761(H) for the classes of solid waste facilities listed in A.R.S. §49-762.02. If there are no rules issued for that class of solid waste facility, then the LA shall administer and enforce the design and operating standards in A.R.S. §49-762.07(F) unless/until rules are adopted. A list of such facilities that have obtained ADEQ approval to operate under a solid waste facility plan, registration, certification, or license, will be furnished to the LA and will be updated as facilities are added or deleted by mutual agreement of LA and ADEQ.
 - c. For delegation to inspect licenced refuse haulers, the LA will annually inspect all vehicles (excluding private passenger cars and pick-ups), that are routinely used to haul waste.
 - d. For delegation to investigate illegal disposal of solid waste (including illegal or "wildcat" dumps), the LA will administer a regulatory program for preventing illegal or "wildcat" dumps.
 - e. The ADEQ will grant variances from the garbage collection frequency for residential units within the city limits upon receipt of a plan approved by the LA, in accordance with A.A.C. R18-8-508(B).

3. The LA shall administer and enforce the requirements of A.A.C. R18-5-409 pertaining to solid waste disposal from new subdivisions. The ADEQ shall furnish the LA with a current list of approved disposal facilities and keep said list updated in a timely manner. The LA will only approve subdivisions that utilize a facility on the ADEQ's approved list.
- 4.** The LA shall administer and enforce the waste tire storage and disposal requirements of A.R.S. §§44-1304, and 1304.01, so as to eliminate illegal waste tire storage and disposal by inspecting facilities and properties where waste tires are accumulated, with the following stipulations and exceptions:
 - a. Any facility or property with less than 100 tires stored outdoors is only subject to compliance with local fire and zoning laws outside the scope of this DA.
 - b. Any facility or property with between 100 and 500 waste tires stored outdoors is subject to the storage requirements of A.R.S. § 44-1304.01.
 - c. Any facility or property with between 501 and 4999 waste tires stored outdoors is subject to the storage requirements of A.R.S. §1304.01, constitutes a “solid waste facility” pursuant to A.R.S. §49-701(29) and a “waste tire collection site” pursuant to A.R.S. §44-1301(4). Such property or facility requires registration with ADEQ as a waste tire collection site pursuant to A.R.S. §§ 44-1303 and as a solid waste facility pursuant to A.R.S. §49-762.07, or requires removal of all waste tire in excess of 500 to a waste tire collection site or waste tire processing site registered with ADEQ.
 - d. Any facility or property with 5000 or more waste tires stored outdoors constitutes a “solid waste facility” pursuant to A.R.S. §49-701(29), a “waste tire collection site” pursuant to A.R.S. §44-1301(4), a “waste tire facility” pursuant to A.R.S. §49-701(39). Such property or facility requires registration with ADEQ as a waste tire collection site pursuant to A.R.S. §§44-1303 and as a solid waste facility pursuant to A.R.S. §49-762.07, or requires removal of all waste tire in excess of 500 to a waste tires collection site or waste tire processing site registered with ADEQ. After rules for self-certification procedures are adopted by ADEQ pursuant to A.R.S. §49-762.05, if the property or facility wishes to remain as a waste tire facility, it shall also comply with these self-certification procedures, pursuant to A.R.S. 49-762.01. ADEQ shall notify all counties delegated to enforce waste tire storage and disposal regulations within two weeks after rules for self-certification procedures are adopted.
 - e. A list of such waste tire collection sites and waste tire processing facilities registered with ADEQ will be furnished to the LA and will be updated as facilities are added or deleted by mutual agreement of LA and ADEQ.
 - f. The ADEQ shall retain sole authority pursuant to A.R.S. §44-1304(F), to authorize any methods of waste tire disposal other than those listed in A.R.S. §44-1304(D).
- 5.** The LA shall administer and enforce the used oil requirements of A.R.S. §§49-801, 803, 811, and 812, so as to eliminate illegal used oil disposal with the following stipulations and exceptions:

- a. The LA shall investigate complaints of illegal used oil disposal (except at sites that are ADEQ approved solid waste landfills) and shall enforce the requirements of A.R.S. §49-803, prohibiting used oil disposal to land, as evidenced by visible staining.
 - b. The LA shall refer cases to the ADEQ, where the amount of used oil disposal to land is estimated to exceed 50 gallons, or where a disposal of less than 50 gallons impacts or potentially impacts a dry well, groundwater, surface water, a floodplain, or otherwise threatens to cause immediate harm to the public health or the environment. For all referred cases, the ADEQ shall retain the authority to require remedial action through administration and enforcement of A.A.C. R18-8-101 and R18-7-201 et seq.
- 6.** The LA shall administer and enforce the following used oil storage, labeling, and release response requirements for used oil generators, as listed in; Title 40 CFR Part 279.22; Used Oil Storage. The release response requirement in c. below is only delegated to the LA for releases estimated at less than 50 gallons.
- a. 40 CFR 279.22(b): Condition of units. Containers and above-ground storage tanks used to store used oil at generator facilities must be:
 - (1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - (2) Not leaking (no visible leaks).
 - b. 40 CFR 279.22(c): Labels. (1) Containers and above-ground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil”. (2) Fill pipes used to transfer used oil into underground storage tanks at generator facilities must be labeled or marked clearly with the words “Used Oil”.
 - c. 40 CFR 279.22(d): Response to releases (of 50 gallons or less). Upon detection of a release of used oil to the environment not from an underground storage tank, a generator must perform the following cleanup steps:
 - (1) Stop the release;
 - (2) Contain the released used oil;
 - (3) Clean up and manage properly the released used oil and other materials; and
 - (4) If necessary to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.
- 7.** The LA shall administer and enforce the lead acid battery disposal and registration requirements of A.R.S. §44-1322, with the following stipulations and exceptions:
- a. The LA shall investigate complaints of illegal disposal of lead acid batteries, so as to eliminate disposal of lead acid batteries at illegal “wildcat” dumps, at unregistered battery collection centers, in any ADEQ (or LA, if delegated) approved solid waste disposal facility or landfill, or by incineration, pursuant to A.R.S. §44-1322.
 - b. The LA shall inspect all lead acid battery collection and storage facilities annually for compliance with ADEQ (or LA, if delegated) registration requirements listed in A.R.S. §44-1322, and to ensure lead acid batteries are not stored in such a manner so as to create or maintain an environmental nuisance, pursuant

to A.R.S. §49-141(A). ADEQ storage guidelines to prevent creation of an environmental nuisance in the soil include storage upright, not in direct contact with soil (i.e., on pallets), and in such a manner to prevent or contain leaking acids (i.e., handling and storage so as to prevent broken or split cases).

- c. The ADEQ shall retain authority to administer and enforce lead acid battery requirements of A.R.S. §44-1323, regarding sales, labeling, fees, notice posting, and advertising.
 - d. A list of lead acid battery collection and recycling facilities registered with ADEQ will be furnished to the LA and will be updated as facilities are added or deleted by mutual agreement of LA and ADEQ.
 - e. For delegation to issue registrations for lead acid battery recycling facilities, ADEQ shall furnish the LA with copies of all ADEQ registration certificates. All existing facilities in possession of valid ADEQ registrations shall remain in effect until the expiration of the 5 year ADEQ registration period. Upon expiration, the LA shall issue renewal registration certificates for these facilities. All new or previously unregistered facilities subject to registration pursuant to A.R.S. §44-1322, shall be issued registrations by the LA. The LA may impose fees for its registrations subject to the conditions specified in paragraph C. "Types Of Fees", and may decide on the effective period for registrations issued by the LA.
- 8.** The LA shall administer and enforce the health and sanitation requirements pertaining to biohazardous medical waste contained in A.A.C. R18-13-1401 et seq. with the following stipulations and exceptions:
- a. The LA shall annually inspect all vehicles utilized by biohazardous medical waste transporters (that are either dedicated to the transportation of biohazardous medical waste or used for that purpose longer than 30 consecutive days) for compliance with the record keeping and operating requirements of A.A.C. R18-13-1409 (C), (E), (F), and (G)(4). Such inspections shall include verification that the transporter is in compliance with the registration requirements of A.A.C. R18-13-1409 (A).
 - b. A list of all biohazardous medical waste transporters registered with ADEQ, and a list of all ADEQ approved medical waste facilities used to store, transfer, treat, or dispose of biohazardous medical waste that was generated off-site will be furnished to the LA and will be updated as facilities are added or deleted by mutual agreement of LA and ADEQ.
 - c. The ADEQ shall retain the responsibility of administering and enforcing all other requirements pertaining to biohazardous medical waste contained in A.A.C. R18-13-1401 et seq., which are not specified in Standard of Performance 8.a. above.

** Implementation of these performance standards shall be delayed until the LA begins performing the corresponding delegated function.

E. REPORTING REQUIREMENTS:

1. The LA shall report to ADEQ quarterly on any enforcement actions, initiated or concluded (including Notices of Violation, Orders), by submitting two copies of each administrative, civil, or criminal action initiated under this Agreement: one to the ADEQ Phoenix Agency Contact person for Solid Waste, listed in Section F. of this Appendix of this DA, and one to the ADEQ Regional Office.
2. The LA shall submit an annual report for the previous calendar year to ADEQ by January 31, addressing the following information:
 - a. A list of all septic tank cleaners under county permit and a list of all disposal sites approved by LA for one time disposal of such wastes, pursuant to A.A.C. R18-8-612(E) and (F).
 - b. A list of all garbage haulers under county permit.
 - c. A list of all landfills (single family residential, agricultural, or construction & demolition debris) under county permit, along with a report summarizing the dates of any inspections.
 - d.*** A list of all registered lead acid battery collection and recycling facilities under LA registration.
 - e.*** A list of all biohazardous medical waste transporters under county permit, along with a report summarizing the dates of all inspections.

*** Implementation of this reporting requirement shall be delayed until the LA begins performing the corresponding delegated function.

F. AGENCY CONTACT PERSONS:

The following LA employees have been designated as responsible for administering the functions and duties pursuant to this Appendix. The LA shall provide written notice of any successor.

Name: Kathi Lawrence

Title: Field Services Manager
Pima County Department of Environmental Quality

Address: 130 W. Congress St.
Tucson, Arizona 85701-1317

The following employee has been designated as responsible for administering the functions and duties pursuant to this appendix. The ADEQ shall provide written notice of any successor.

Name: Kimberly McDaniels

Title: Unit Manager

Address: Arizona Department of Environmental Quality
Solid Waste Inspections & Compliance Unit
3033 N. Central Avenue, Mail Code T3011A
Phoenix, AZ 85012
(602) 207-4121

The naming of a successor to any of the above individuals shall not require the re-execution of or an amendment to this Agreement.

AIR QUALITY MANAGEMENT

A. DELEGATED JURISDICTION AND RESPONSIBILITIES:

The intent of this agreement is to clearly allocate between ADEQ and Pima County, acting by and through the Pima County Department of Environmental Quality (LA), the whole of existing jurisdiction over the management and regulation of air quality in Pima County. Accordingly, subject only to the express reservations below, ADEQ hereby delegates, and Pima County on behalf of LA agrees to accept, a delegation of authority and jurisdiction throughout Pima County to perform air quality management activities meeting at least the minimum requirements and standards established under the Clean Air Act and Arizona Revised Statutes, Title 49, Chapter 3, and expressly including therein jurisdiction pertaining to portable sources, coal-fired electrical generating stations and minor stationary sources (including transmex facilities*) within the county. Personnel qualifications, standards of performance and reporting requirements listed in Sections C, D and E of this appendix apply to all categories.

B. RESERVED JURISDICTION AND RESPONSIBILITIES:

1. Pursuant to A.R.S. §49-402.A., ADEQ reserves jurisdiction within Pima County over the following specific source categories:
 - a. Facilities for the smelting of metal ore.
 - b. Petroleum refineries (excluding transmex facilities).
 - c. Coal fired electrical generating stations (except that Tucson Electric Power Company, Irvington Generating Station is specifically delegated to Pima County).
 - d. Portland cement plants.
 - e. Air pollution by portable sources (as provided by A.A.C. R18-2-324).
 - f. Air pollution by mobile sources (for the purposes of regulation as provided in Arizona Revised Statutes Title 49, Chapter 3, Article 5).
2. Within Pima County, ADEQ further reserves source-wide, source-specific jurisdiction with respect to permits and other regulation of incidental emissions, insofar as the source is one over which ADEQ has reserved jurisdiction, pursuant to Paragraph B.1 of this section, and all of the following occur:

- a. Any building, structure, facility or installation subject to regulation pursuant to A.R.S. §49-426.A, which emits or may emit any air pollutant. "Building", "structure", "facility", or "installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" as described in the "Standard Industrial Classification Manual, 1987" and,
 - b. Both the activity that gives rise to the original reservation in favor of ADEQ and the activity that gives rise to the incidental emissions are under the control of the same entity or parent-and-subsidary entities.
3. This agreement does not preclude ADEQ from asserting jurisdiction over any source pursuant to A.R.S. §49-402.B.
 4. The delegation of function, powers, and duties under Appendix D does not prevent, alter, or diminish LA's authority to permit and control sources of air pollution pursuant to A.R.S. §§ 49-402, 49-476.01, 49-479, and 49-480.
 5. This agreement as it relates to jurisdiction over major sources, shall be canceled if the Administrator fully disapproves the permit program adopted by the LA pursuant to Title V of the CAA.

C. PERSONNEL QUALIFICATIONS:

The following minimum personnel qualifications shall apply to individuals performing the functions and duties listed in Section A of this Appendix. Current copies of resumes of the individuals performing these functions and duties will be forwarded to ADEQ for review prior to approval of this delegation agreement.

1. Permit evaluations shall be performed by, or under the direct supervision of, an engineer qualified through air quality permitting experience or registration as a professional engineer in the State of Arizona.
2. Duties may be performed by a person with the minimum qualifications of two years of college training in industrial hygiene or a closely related field and two years of training, education or experience which demonstrates ability to perform the duties of the position; including 30 semester hours of college-level chemistry, physics, engineering or closely related subjects and two years of technical experience with industrial processes producing pollutants, pollution investigation work or two years experience in general enforcement of air quality related activities.
3. Field inspectors must maintain current certification as a Visible Emission Observer, as specified in Arizona Testing Manual Revision F, and attend training (substantially) equivalent to that specified in EPA Order 3500.1. Training for current inspectors must be completed within 18 months. Training for newly hired field inspectors must be completed within 18 months of hiring.

D. STANDARDS OF PERFORMANCE:

The following standards of performance apply, where indicated, to the functions and duties listed on Section A of this Appendix.

1. Permitting activities shall be completed within the time-frames established by the applicable provisions of the Clean Air Act, Arizona Revised Statutes, Arizona Administrative Code and locally applicable air quality rules. Minimum requirements are: Completeness determination within 60 days, Draft Permit within 9 months, and provisions for accelerated processing within 4 months.
2. As resources permit, posting of public notices shall be verified for facilities going through the public participation process of permitting
3. Unannounced annual Level II inspections, at a minimum, will be conducted on each Major permitted source to determine compliance. All other facilities should be Level II inspected at least once during the term of their permit, and at all other times necessary to verify compliance.
4. Initial response to complaints shall be done within 5 days of receipt of the complaint to the extent practicable.
5. All permits shall include the elements set forth in Arizona Administrative Code R18-2-306 "Permit Contents".
6. Provisions shall be in place for accelerated permit processing.
7. The LA shall adopt rules for administration and enforcement of the Federal hazardous air pollutant program as provided in A.R.S. §49-480.03.
8. Permits for transmix facilities shall include all provisions incorporated in the attached model permit. LA shall cooperate with ADEQ in developing procedures for issuance of permits for transmix facilities. Transmix facilities shall comply with 40 C.F.R subsection 60.101, "Standards of Performance for Petroleum Refineries".

E. REPORTING REQUIREMENTS:

1. LA shall submit to ADEQ a quarterly report (in a timely manner to coincide with ADEQ's reporting to EPA), or as otherwise requested the monthly Storage and Retrieval of Aerometric Data, monthly summary sheets for gaseous air pollutants, and a monthly summary sheet for its ambient air pollution monitoring sites (samplers and monitors).
2. ADEQ shall incorporate county air pollutant monitoring data in periodic and annual statewide reports of Ambient Air quality measurements and trends, appropriately qualifying or explaining different types of data and its purpose.
3. LA will file an annual report with the ADEQ Air Quality Division (AQD) Director specifying the following:
 - a. Number of permits issued,
 - b. Number of notice of violations (and % handled consistent with ADEQ compliance and enforcement policy),
 - c. Number of inspections
 - d. Number of complaints received (and % receiving initial follow-up within five working days),
 - e. Number of escalated enforcement cases, and
 - f. Description and disposition of each escalated enforcement case and amount of penalty collected, if any.

The report shall be submitted within 30 days of the anniversary date of this agreement.

4. LA will provide copies of records associated with the activities specified in this agreement upon request by ADEQ.

F. AGENCY CONTACT PERSONS:

The following LA employee has been designated as responsible for administering the functions and duties pursuant to this Appendix. The LA shall provide written notice of any successor.

Name: Richard Grimaldi
Title: Acting Director
Agency: Pima County Department of Environmental Quality
Address: 130 West Congress Street
Tucson, AZ 85701-1317

The following ADEQ employee has been designated as responsible for administering the functions and duties pursuant to this Appendix. The ADEQ shall provide written notice of any successor.

Name: Cathy O'Connell
Title: Manager, Compliance Section
Address: Arizona Department of Environmental Quality

Air Quality Division
3033 North Central Avenue - 5T
Phoenix, Arizona 85012

The naming of successor to either of the above individuals shall not require the re-execution of or an amendment to this Agreement.

APPENDIX D
Delegation Agreement # 00-0023
HAZARDOUS WASTE GENERATORS

A. DELEGATED RESPONSIBILITIES:

The intent of this delegation is to establish the authority of the Pima County Department of Environmental Quality (LA) under which they may register, investigate, inspect and take all necessary enforcement actions to obtain compliance with the Hazardous Waste Laws and Rules of the State of Arizona, as administered by the Arizona Department of Environmental Quality (ADEQ). These rules include the Arizona Administrative Codes R18-8-201 through R18-8-280 including the adopted U.S. Environmental Protection Agency rules under the Code of Federal Regulations, Title 40, Parts 260 through 273.

B. EXCEPTIONS AND SPECIAL PROVISIONS:

1. Nothing in this agreement shall constitute an abrogation of the enforcement rights and responsibilities of ADEQ or LA.
2. Requirements of the Arizona State Board of Technical Registration shall be observed by LA.
3. A database of hazardous waste generators shall be developed by LA to minimize duplication between LA and ADEQ.
4. This delegation does not include inspection of hazardous waste recyclers, transporters, or treatment, storage or disposal (TSD) facilities.
5. Site Assessment Plan requests, reviews and implementation under R18-8-280 shall be conducted by ADEQ, except that LA may conduct these activities with case by case prior approval of ADEQ. In any case, Plan approval must be obtained from ADEQ before implementation. Delegation does not include approval of remedial action plans under WQARF or of closure plans under R18-8-264 and 265.
6. All persons conducting field work involving response to complaints, illegal disposal of hazardous materials, response at State or Federal actual or suspected "Superfund" sites or TSDs shall be trained and conduct activities in compliance with requirements of 29 CFR 1910.120.
7. Facilities owned or operated by Pima County shall be inspected by ADEQ.
8. The geographic area of delegation is Pima County in its entirety with the exception of the City of Tucson owned and operated facilities. However, if the City of Tucson, during the effective period of this delegation, receives Hazardous Waste delegation from ADEQ, the geographic area of delegation for Pima County shall automatically be Pima County outside the Tucson city limits. ADEQ will still retain authority for those facilities

that are owned and operated by the City of Tucson with regards to inspections and other hazardous waste issues.

C. PERSONNEL QUALIFICATIONS:

The following minimum personnel qualifications shall apply, where indicated, to individuals performing the functions and duties listed in Section A of this Appendix. Where more than one category is listed in Section A of this appendix, the personnel may qualify under any of the categories listed.

1. Duties shall be performed by a Registered Sanitarian.
2. Duties shall be performed by or under the direction of a Registered Sanitarian.
3. Duties may be performed by or under the direct supervision of a Professional Engineer registered in Arizona.
4. Duties may be performed by a Registered Sanitarian, but shall be under the direct supervision of a Professional Engineer registered in Arizona.
5. Duties may be performed by a person with the minimum qualifications of a Bachelor's Degree from an accredited college or university with a major in engineering or a field closely related to environmental health.
6. Duties may be performed by a person with the following minimum qualifications: 90 semester hours of engineering education and one year of sub-professional experience; or 60 semester hours of engineering education and two years of sub-professional experience; or 30 semester credit hours of engineering education and three years of sub-professional experience; or a high school diploma or graduate equivalency diploma and four years of sub-professional experience. Duties shall be performed under the supervision of a Professional Engineer registered in Arizona.
7. Duties may be performed by a person with the minimum qualifications of two years of college training in environmental health, environmental engineering or closely related field and two years of related experience, but shall be under the supervision of a Registered Engineer or Registered Sanitarian.

D. STANDARDS OF PERFORMANCE:

The following standards of performance apply, where indicated, to the functions and duties listed in Section A of this Appendix.

1. Inspections

- a. Facilities shall be adequately inspected to ensure conformance with State regulations pertinent to hazardous waste generators (HWG's). LA shall ensure regulatory interpretations and performance standards applied under this delegation are in conformance with common policies and practices of ADEQ, to the extent practicable.

- b. Inspection of HWG's shall be performed at least once each year except that, for small quantity generators inspections may be every 3 years and for facilities that have been found to be in noncompliance, their re-inspection will be accomplished within 3 months.
- c. Complaints will be prioritized and those which involve spills or discharges of hazardous waste or imminent and substantial hazards to human health or the environment will be handled as a top inspection priority, and others will be handled within a 6-month period.
- d. Inspections which identify a facility as being a treatment, storage, or disposal facility, defined by State regulations, will be referred to the ADEQ for appropriate follow-up.
- e. When facilities are scheduled for inspections by both LA and ADEQ in the same planning year, both agencies shall make efforts to ensure the duplicative inspections are eliminated or conducted jointly, thereby reducing any undue burden to the facilities.
- f. Hazardous waste inspections at treatment, storage and disposal facilities, including inspection of any generator activities at TSDs shall require case by case prior approval of ADEQ. Routine hazardous waste inspections at TSDs that have notified under 42 U.S.C.A.6930 (Notification), including inspection of generator activities at TSDs, shall require written case by case prior approval of ADEQ.

2. **Registration and Inspection Reports**

- a. Purpose: Types of reports shall include plan review and initial inspections for new facilities, routine inspections, violation notices, citizen complaints, release reports and investigations. LA's database shall be updated as each report is filed. Issues shall be referred to ADEQ when required by this delegation agreement and as requested by ADEQ.
- b. Registration: A registration process shall be implemented to keep track of the facilities under regulation and needing periodic inspection to assure compliance with applicable laws. Fee schedules for such services performed by LA may be adopted as provided by law. This registration process is for purposes other than that specified by A.R.S. §49-929 through 932 and shall not replace the registration and fee program established by A.R.S. §49-929 through 932.
- c. The inspection forms that the LA shall use will be similar in scope to the forms from ADEQ, and approved by ADEQ. Areas covered by the form(s) shall include at a minimum:
 - determination of types and amounts of waste generated;
 - generation, storage, treatment and disposal activities;
 - classification of type of facility, i.e., Small Quantity Generator (SQG), Large Quantity Generator (LQG), etc.;
 - containment and labeling requirements;
 - applicable record-keeping requirements including manifests, EPA ID numbers, MSDS's, self-inspection logs, and other required reports;
 - applicable required emergency planning and preparedness activities; and
 - summary of violations and suggested compliance/enforcement actions to correct violations.

3. **Enforcement:**

Incident Information: If an enforcement action is appropriate, the agency having jurisdictional responsibility shall be notified and a copy of the investigation forwarded to it.

E. REPORTING REQUIREMENTS:

The LA shall submit the periodic reports addressing the following information:

1. One (1) copy of each administrative or civil order issued under this agreement to the Inspection and Compliance Unit.
2. A quarterly summary of activities to the Inspection and Compliance Unit Manager, which contains at a minimum:
 - (a) A list of facilities for which inspection reports were completed under this agreement during the quarter.
 - (b) A list of facilities for which administrative, civil or criminal orders were issued under this agreement during the quarter.
- © Tallies of the number of items completed by program area in the following categories, as appropriate, during the quarter:
 - (I) samples taken/analyzed.
 - (ii) complaints handled.
 - (iii) citations issued.
3. Coordination meeting between LA and ADEQ shall be held on a quarterly basis, or as specified by ADEQ.
4. A database of hazardous waste generators shall be developed by LA and sent to ADEQ at least yearly.
5. LA shall submit a quarterly summary of activities to ADEQ. LA shall maintain log records of closed cases and submit these to ADEQ at least yearly. The summary shall include a list of:
 - (a) Hazardous waste inspections/investigations conducted.
 - (b) Hazardous waste inspection/investigation reports and plan reviews completed.
- © Administrative, civil or criminal hazardous waste warning letters and orders issued.
- (d) Tallies of the number of items completed by program area in the following categories: Samples taken, complaints handled, and citations issued.
6. ADEQ shall provide Pima County at least yearly, an updated list of planned LQG inspections at sites known to lie within the Pima County delegation area. Pima County will hold this list confidential.

7. Pima County shall provide ADEQ at least semi-annually, an updated list of planned hazardous waste inspections and investigations. ADEQ will hold this list confidential.
8. LA shall submit information regarding hazardous waste inspections of large quantity generators and follow up compliance actions to ADEQ.
9. ADEQ shall enter information submitted by LA into ARIS and provide quarterly ARIS reports to LA.
10. ADEQ shall perform one (1) quarterly oversight inspection with LA.

F. AGENCY CONTACT PERSONS:

The following LA employee has been designated as responsible for administering the functions and duties pursuant to this Appendix. The LA shall provide written notice of any successor.

Name: Richard Grimaldi
Title: Acting Director
Pima County Department of Environmental Quality
Address: 130 West Congress
Tucson, AZ 85701-1317

The following employee has been designated responsible for administering the functions and duties pursuant to this Appendix. The ADEQ shall provide written notice of any successor.

Name: Lupe Buys
Title: Compliance and Inspection Unit Manager

Address: Arizona Department of Environmental Quality
Office of Waste Management Programs
3033 N. Central Avenue
Phoenix, AZ 85012

The name of a successor to either of the above individuals shall not require the re-execution of an amendment to this Agreement.

Amendment No. 1 to
Pima County Delegation Agreement #00-0023

Pima County Department of
Environmental Quality

Ursula Kramer 2.23.03
Ursula Kramer Date
Director

Arizona Department of
Environmental Quality

Stephen A. Owens 1/30/03
Stephen A. Owens Date
Director

County Board of Supervisors

Sharon Bronson MAR 18 2003
Sharon Bronson Date
Chair

Attest:

Lori Godoshian MAR 8 2003
Lori Godoshian Date
Clerk of the Board

The foregoing Amendment has been reviewed by the undersigned attorneys for the Pima County Department of Environmental Quality and the Pima County Air Quality Control District and the Arizona Department of Environmental Quality, who have determined that this Amendment is in proper form and is within the powers and authority granted under Arizona law to their respective agencies.

Christopher Straub 2/19/03
Christopher Straub Date
Deputy County Attorney

Steven J. Burr 1/30/03
Steven J. Burr Date
Assistant Attorney General